

**CITY OF BRIGHTON, COLORADO
REGULAR SESSION
JANUARY 7, 2014 – OUTGOING COUNCIL
ARMORY
7:00 P.M.**

***THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.**

**MAYOR
MAYOR PRO-TEM**

COUNCIL MEMBERS

- **RICHARD N. MCLEAN**
- **WAYNE SCOTT**
- **LYNN BACA**
- **REX BELL**
- **J.W. EDWARDS**
- **CYNTHIA A. MARTINEZ**
- **CHRIS MASLANIK**
- **WILMA ROSE**
- **KIRBY WALLIN**

1. CALL TO ORDER

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

2. CONSENT AGENDA

- A. Approval of the October 15, 2013 City Council Minutes.
- B. Approval of the November 5, 2013 City Council Minutes.
- C. Approval of the November 7, 2013 City Council Minutes.
- D. Approval of the November 19, 2013 City Council Minutes.
- E. Approval of the December 3, 2013 City Council Minutes.
- F. Approval of the December 17, 2013 City Council Minutes.

3. APPROVAL OF REGULAR AGENDA

4. CEREMONIES

- A. Comments by Mayor and City Council Members.
- B. Comments by Outgoing City Council Members.
- C. Presentation by School District 27J.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. ADJOURNMENT

**City Council
Agenda Item
2A**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON OCTOBER 15, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:02 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Edwards led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Scott, Councilmembers Baca, Bell, Edwards, Martinez, Maslanik, Rose and Wallin.

2. CONSENT AGENDA

A. Approval of the August 20, 2013 City Council Minutes.

Mayor McLean read the Consent Agenda into the record.

Motion by Councilmember Martinez to approve the Consent Agenda as presented, **second by Councilmember Wallin.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel asked if the Regular Agenda could be amended to change Item 4A to a Proclamation for Breast Cancer Month, the removal of Item 4B, the Starburst Award for Carmichael Park and removal of Item 14, Executive Session.

Motion by Councilmember Wallin to approve the Regular Agenda as amended, **second by Councilmember Maslanik.**

Voting aye: All present.

4. CEREMONIES

A. Breast Cancer Awareness Month Proclamation.

Mayor McLean read the Proclamation into the record and presented it to City Clerk Natalie Hoel.

Motion by Mayor Pro Tem Scott, second by Councilmember Rose to approve the Proclamation.

Voting aye: All present.

B. Introduction of New Employees by Human Resources Director Karen Borkowski.

Human Resources Director Borkowski introduced Gia Dickinson, Permit Tech and gave a brief history of her background.

Mayor McLean and **City Council** welcomed the new employee to the City of Brighton.

5. **PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA** (Speakers limited to five minutes)

There was no comment under this portion of the Agenda.

6. **PUBLIC HEARINGS**

A. **A Resolution Adopting the 2014 Budget, and Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts Specified Below, for the City of Brighton, Colorado, for the 2014 Budget Year. (Continue the Public Hearing to November 5, 2013)**

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 7:13 p.m. and City Clerk Natalie Hoel verified the required postings and publications (October 6, 2013 in the *Denver Post*) for this public hearing were completed.

City Manager Esquibel explained that because of a problem with the publication this public hearing will be continued to November 5, 2013. City Manager Esquibel distributed to City Council a list of comments that were made by Council at the budget session on October 4th and 5th and asked Council to review the comments and make any additions or changes and the final list will be presented on November 5, 2013. City Manager Esquibel introduced Budget and Policy Director Bernadette Kimmey.

Budget and Policy Director Bernadette Kimmey explained that per Section 10.5 of the City Charter the City is required to conduct a public hearing allowing the citizens of Brighton to comment on the proposed budget for fiscal year 2014. Citizens may comment at tonight's meeting, the City Council meeting on November 5, 2013 or file written objections with the City Clerk's Office. The City Council has met several times in public meetings to review the proposed operating and capital budget. The 2014 budget is comprised of the following funds each with a balanced budget which means revenues equal expenditures: General Fund, \$23,468,723.00; Capital Improvement Fund, \$4,997,641.00; Parks and Recreation Capital Improvement Fund, \$3,131,330.00; Water Utility Enterprise Fund, \$8,925,855.00; Sewer Utility Enterprise Fund, \$6,047,866.00; Storm Drainage Utility Enterprise Fund, \$273,658.00; Landscaping Fund, \$6,000.00; Impact Fees fund, \$200,000.00; Highway Fund, \$60,000.00; Lottery Reserve Fund, \$300,000.00; Lodging Tax fund, \$314,000.00; Cemetery Fund, \$310,235.00; Cultural Arts Fund, \$22,460.00; Cemetery Perpetual Care Trust Fund, \$25,500.00; and the Urban Renewal Authority Fund, \$5,834,225.00 for a total of \$53,917,493.00.

Mayor McLean asked if anyone in the audience had questions regarding the budget, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the budget, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request, there was none.

Mayor McLean asked if any correspondence had been received, there was none.

Mayor McLean asked if there were questions from City Council, there was none.

Councilmember Maslanik asked where the budget is posted for citizens to review. **Director Kimmey** explained that there is a copy available for inspection in the Office of the City Clerk.

Councilmember Rose asked if the information could be posted on Channel 8 letting citizens know they could comment on the budget on November 5, 2013.

Mayor McLean explained that the public hearing would be continued to November 5, 2013.

7. ORDINANCES FOR INITIAL CONSIDERATION

A. An Ordinance of the City Council of the City of Brighton, Colorado, Establishing Certain Benefits for City Personnel for the 2014 Budget Year and Setting Forth the Details Related Thereto.

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel introduced Human Resources Director Karen Borkowski.

Human Resources Director Karen Borkowski explained that this Ordinance is approving the 2014 benefits at first reading. HUB International has presented this information to Council twice previously. Lynn Baker, HUB's client representative is in the audience and available for questions. Teams including HUB professionals and several staff members have met several times to review funding options and the benefits of the City's benefits being self funded. Staff is recommending that benefits be self funded and that the City continue with United Healthcare as its insurance provider. The City with Council's approval has set aside \$425,000.00 in reserves to cover expenses that may be incurred above the expected claims total. The City will continue to pay the entire cost of benefits for its covered employees and employees will pay the same premium for family coverage as last year. Self funding still has to comply with HIPPA laws and all confidentiality. Stop loss insurance has also been purchased to help mitigate high individual and group claims, which is a fixed cost along with administration fees and taxes. Variable costs are the expected claims.

Self funding is a multiyear strategy so there is a reserve fund to mitigate the ups and downs. With self funding the City will have access to the usage data throughout the year and not just at renewal time. This will allow the City to look at the data and create strategies on education for employees in areas that need improvement. It is important to invigorate the Wellness Program so in addition to partnering with Platte Valley Medical Center the City will contract with TeleHealth which includes three (3) different programs regarding education and access 24/7 to a certified physician or pediatrician. Human Resources will be attending all Department meetings through the rest of the year to educate employees about these new programs. The dental, vision, life, short term and long term disability benefits will remain the same. The entire cost for benefits is \$3,095,616.00. The Flexible Spending Account and Director benefits will remain the same. Director Borkowski answered questions from Council regarding:

- The ability to have a clinic at City Hall for the City employees.
- There being a second session for flu shots for employees.
- The opportunity to have a workout room at City Hall for employees.

Motion by Mayor Pro Tem Scott to approve the Ordinance the title of which as read by Mayor McLean, **second by Councilmember Maslanik.**

Voting aye: All present.

8. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. Transwest Brighton Facilities Complex Annexation.

Mayor McLean read the title of Items 8A(1), 8B(1) and 8B(2) into the record.

City Manager Esquibel introduced Planning Manager Jason Bradford.

Planning Manager Jason Bradford explained that this presentation will be for the Transwest Brighton Facilities Complex Annexation, PUD Amendment, Vested Property Rights and Development Agreement. This request is to hold a final reading for the Annexation Ordinance and the PUD Amendment Ordinance and approve a Resolution to vest the PUD Amendment for a period of three (3) years and a Resolution to adopt a Development Agreement.

The parcel needing to be annexed is approximately .521 acres and is located on the southern end of the Transwest property, is currently zoned A – Agriculture through Adams County and is 100% contiguous with the existing City boundary. This parcel is located north of Bromley Lane, east of the I-76 frontage road, and west of the Burlington Northern Railroad. The Annexation Petition was presented to City Council on May 21, 2013 and a public hearing was held on July 2, 2013. Final reading was scheduled for July 17, 2013 but a continuation was requested by staff and the applicant. The final reading was continued three (3) times. The reason for the continuation requests is that prior to the final reading of the Annexation Ordinance and the Annexation Agreement the applicant and owner requested that a Development Agreement be established for the entire forty-six (46) acre Transwest site. Instead of doing a separate Annexation Agreement for the half acre parcel, a Development Agreement as proposed would cover the public improvement requirements and obligations of the developer in one large cohesive Agreement for the entire site. There are many different small parcels that were combined together to create the Transwest site. The Bromley Park parcel has been annexed, zoned and platted. The Kahland parcel was under different ownership, was annexed and has an Annexation Agreement with different provisions than the Bromley Park parcels. The parcel in question this evening has not been annexed and there are no Agreements associated with it.

The Annexation Ordinance for consideration complies with the Municipal Annexation Act and the annexation eligibility criteria in the Land Use and Development Code. Staff finds that the annexation does comply with the Comprehensive Plan and therefore staff recommends approval of the Annexation Ordinance.

The PUD Amendment covers the entire Transwest site. The PUD Amendment was presented to the Planning Commission on August 27, 2013 and they approved a Resolution recommending approval of the PUD Amendment and the Vested Property Rights to the City Council. On September 3, 2013 City Council approved at first reading the Zoning Ordinance. A public hearing was held and the proposed PUD Amendment does establish development standards including minimum setbacks, building heights, minimum lot sizes, parking requirements and other standards typically included in a PUD. The PUD also established specific design standards including building architecture, material standards, landscaping development, signage and other design standards to make the entire site a cohesive whole.

There is a request from the developer to vest the PUD Amendment for a period of three (3) years. Section 17-40-50 of the Land Use and Development Code allows Council to enter into an agreement with the landowner to establish vesting when warranted by relevant circumstances including the size of the development, the phasing of the development, current market conditions, and economic cycles. In order to provide assurance that the PUD will remain in effect for an adequate amount of time in which to develop the property as a cohesive whole, the applicant is requesting three (3) years for that vesting period. Lot 1, the larger portion of the property is currently the only portion that has immediate development plans in place. This vesting will allow Phase 2 to develop in accordance with the same PUD and amendment standards as the other parcel. Staff finds that the PUD Amendment does conform to the intent of the Comprehensive Plan, meets the approval criteria as set forth in the

Land Use and Development Code and the vesting request does conform to the criteria set forth in the Land Use and Development Code. Staff has prepared a draft Ordinance to approve the PUD Amendment and a draft Resolution to vest the PUD Amendment for a period of three (3) years.

Mayor McLean asked if there were any comments from the audience on the final reading of the Ordinances, there were none.

- 1. An Ordinance of the City Council of the City of Brighton, Colorado, Annexing to the City of Brighton Approximately 0.521 Acres of Contiguous Land, Located Generally in Section 11, Township 1 South, Range 66 West of the 6th Principal Meridian, County of Adams, State of Colorado; to be known as the Transwest Brighton Facilities Complex Annexation. (Final Reading)**

Motion by Councilmember Martinez to approve Ordinance 2160 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

B. Transwest Brighton Facilities Complex PUD Amendment.

- 1. An Ordinance of the City of Brighton City Council Approving an Amendment to the Bromley Park PUD, known as the Transwest Brighton Facilities Complex PUD Amendment, for the Approximately 46.163 Acre Property Located within Section 11, Township 1 South, Range 66 West of the 6th Principal Meridian, City of Brighton, County of Adams, State of Colorado. (Final Reading)**

Mayor McLean read the title of the Ordinance into the record.

Motion by Councilmember Maslanik to approve Ordinance 2161 the title of which as read by Mayor McLean, **second by Councilmember Wallin.**

Planning Manager Bradford answered questions from Council regarding:

- The number of parking spaces associated with Building A.

Voting aye: All present.

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Site Specific Development Plan Vested Property Right for the Transwest Brighton Facilities Complex PUD Amendment for a Period of Three (3) Years, to Expire on October 15, 2016.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Martinez to approve Resolution 2013-114 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Planning Manager Bradford answered questions from Council regarding:

- The vesting period of three (3) years being typical of what Council has approved in the past.

Voting aye: All present.

C. Transwest Brighton Facilities Complex (Bromley Park Filing No. 101, 4th Amendment)

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Approving a Development Agreement for the Transwest Brighton Facilities Complex (Bromley Park Filing No. 101, 4th Amendment), Consisting of Approximately 46.13 Acres Located in Section 11, Township 1 South, Range 66 West of the 6th Principal Meridian, City of Brighton, County of Adams, State of Colorado; and Authorizing the Mayor to Execute the Development Agreement on Behalf of the City; and Setting Forth Other Details Related Thereto.**

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Planning Manager Jason Bradford.

Planning Manager Jason Bradford explained that the purpose of the Development Agreement is to describe all of the developer's public improvement obligations that are required for the entire forty-six (46) acre Transwest site in one cohesive document. The property is broken up into three (3) different parcels, the Bromley Park parcel, the Kahland parcel and the annexation parcel. All of the various elements of the Transwest site have different entitlements, some portions are annexed and others are not, some are platted and others aren't and they have different Zoning Agreements. The intent is to have one agreement that will have all three (3) of these elements into one (1) document.

The Bromley Park parcel was annexed in the 1980's and has four (4) different amendments and was zoned as Bromley Park PUD. Portions of the site were zoned PUD Commercial and others zoned PUD Industrial. The parcel was platted as part of the Bromley Park 101 subdivision and has three (3) different amendments. There is also the Bromley Park Filing 101 Development Agreement associated with this parcel. The Bromley Park Annexation Agreement generally states the following requirements: The annexor will install water and sewer lines at their expense; the annexor would be required to install all required fire hydrants; the annexor would dedicate any required utility easements on the property; The Bromley Park Metro District would install sanitary sewer lines, lift stations and force mains and transmission lines; the annexor would install storm drainage improvements both on and off site as required; and, the annexor would construct ½ of all street cross sections along the edge of the property.

The Bromley Park 101 Development Agreement requires that the developer install street signage and all street striping improvements, the developer would be responsible for maintaining and irrigating all landscaping in the right-of-way adjacent to the property, the developer would install all street lighting, and the developer would install and maintain all on-site drainage improvements.

The Kahland parcel was annexed a few years ago and it does have an Annexation Agreement associated with it. When the Annexation Agreement was prepared the parcel had separate ownership, it was annexed at a different time than the Bromley Park parcel and the Annexation Agreement is different than the Agreement for the Bromley Park parcel. There is existing zoning associated with the Kahland parcel and it was zoned Bromley Park PUD Commercial, same as the Bromley Park parcel. The Kahland parcel has no existing Final Plat or Development Agreement associated with it. The Annexation Agreement includes the following provisions: The developer will construct the northern ½ of Bromley Lane where adjacent to the property at the time of the building permit; the developer agrees to meet all of the Beebe Draw Metropolitan District requirements for storm, sewer service, agrees to annex into the Metro District boundary and agrees to pay a without water rights tap fee for water and sewer taps.

The intent of the Development Agreement is to tie all of the developer's public improvement obligations for the entire forty-six (46) acre Transwest site into one (1) cohesive document. Some provisions of the Development Agreement include: The developer agrees to meet all of the Beebe Draw Metropolitan District requirements for storm sewer service and to annex into the Metro District boundary; the developer agrees to construct and maintain all on-site drainage infrastructure; the

developer agrees to pay a without water rights tap fee for all water and sewer taps; the developer agrees to construct all of the access points to the site from the frontage road subject to CDOT approval; the developer agrees to construct a turn lane in order to access the frontage road from Bromley Lane subject to CDOT approval; and the developer agrees to construct the northern ½ of Bromley Lane where adjacent to the property at the time of development of the commercial site. Staff reviewed the provisions of the Development Agreement and recommends approval of the Development Agreement with two (2) minor conditions: 1) the developer will provide a financial guarantee prior to pulling a Building Permit; and 2) the Exhibit B of the Development Agreement, the Schedule of Public Improvements, will be revised to match the City approved engineering documents.

Planning Manager Bradford answered questions from Council regarding:

- The developer agreeing to the two (2) staff recommended conditions.

Motion by Councilmember Bell to approve Resolution 2013-115 the title of which as read by Mayor McLean, **second by Councilmember Rose**.

Voting aye: All present.

9. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado Approving an Agreement with the Brighton Retired Firefighters Addressing the Donation, Placement, and Maintenance of a Sculpture (“Every Day a Hero”) to be Placed at the Brighton City Hall; Authorizing the Expenditure of Five Thousand Dollars (\$5,000) Toward the Purchase and Installation of the Sculpture; Authorizing the City Manager to Undertake such Tasks as may be Required to Carry out the Terms of said Agreement; and Authorizing the City Manager to Execute said Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that this Resolution will approve the placement of a sculpture at the Brighton City Hall for the Brighton Retired Firefighters Organization. The group approached the City with the sculpture and the rock beside it to be placed at City Hall. The designated site was part of the original design of the City Hall landscaping to allow for four (4) sculptures to be placed in the future. The group is also requesting a donation of \$5,000.00 to assist them in the purchase and placement of the sculpture and the stone. The group will sell memorial bricks to help raise money for the sculpture.

Mayor Pro Tem Scott recommended that the City donate \$5,000.00 to help to purchase the sculpture but does not feel that City Hall is the right location for the sculpture.

Motion by Mayor Pro Tem Scott to donate \$5,000.00 to the Brighton Retired Firefighters to help with the cost to purchase and place the “Every Day a Hero” sculpture and authorize the City Manager to explore options for its placement, **second by Councilmember Rose**.

City Council discussed placing the sculpture at City Hall and other locations.

Director Wardle and Fire Chief Mark Bodane answered questions from Council regarding:

- The need to include the Cultural Arts Commission, Eye for Art Committee and the Historic Preservation Commission in this decision.
- Everyone involved being happy with this location.
- The parties involved to decide on the placement of the sculpture.
- City Council having the final decision on the placement of the sculpture.

- The individuals involved in seeking approval for the placement of the sculpture.
- The process in place to get statues placed in the City.
- The total cost of the sculpture and stone.

Voting aye: All present.

B. A Resolution of the City Council of the City of Brighton, Colorado Authorizing the Submittal of a Grant Application to Colorado Garden Show, Inc. for an Amount not to Exceed One Hundred Thousand Dollars (\$100,000) for the Bromley-Hishinuma Historic Farm Landscape Project; and Authorizing the City Manager to Execute the Grant Application Therefore.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that this Resolution will authorize the submittal of a grant application to the Home and Garden Club Inc. in the amount of \$100,000.00 to landscape the Bromley/Hishinuma Farm. The landscaping would include an historic landscape to bring the property back to where it was in the 1800's with the tree lined entranceway, some turf in front, parking lots will be included, the plaza areas around the house and barn, some cutting gardens on the east side of the house and all of the utilities. The total project cost is \$680,000.00, these funds will be used to match an Adams County Open Space and City will be funding a portion of this also and will be included in the 2015 budget. Director Wardle answered questions from Council regarding:

- Trees for the City coming from the City's tree farm.

Motion by Councilmember Rose to approve Resolution 2013-117 the title of which as read by Mayor McLean, **second by Councilmember Maslanik.**

Voting aye: All present.

C. Appoint Liquor Licensing Authority Members.

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Current Alternate Member Donald Rowe as a Member of the Liquor Licensing Authority to Fill a Vacant Term to January, 2016.**

Mayor McLean read the title of Items 9C(1) and 9C(2) into the record.

Motion by Councilmember Edwards to approve Resolution 2013-118 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Steve Puckett as an Alternate Member of the Liquor Licensing Authority with a Term to January, 2018.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Maslanik to approve Resolution 2013-119 the title of which as read by Mayor McLean, **second by Councilmember Rose.**

Voting aye: All present.

10. UTILITIES BUSINESS ITEMS

- A. A Resolution of the City Council of the City of Brighton, Colorado Approving the Utilities Department Business Plan Prepared by Arcadis US, Inc.; Authorizing the Utilities Director Through the City Manager to Prepare the Necessary Steps and Long Range Plan for Implementation of the Plan for Presentation to and Discussion with the City Council; Acknowledging that the Plan Should be Reviewed by the City Council on an Annual Basis; and Setting Forth Other Details Related Thereto.**

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Utilities Director Jim Landeck.

Utilities Director Jim Landeck asked City Council to adopt the Utilities Business Plan that was presented on September 24, 2013. It took many hours of staff and consultant time to prepare this plan for the benefit of the City showing the opportunity to properly manage, finance and operate a Utility business which includes water, sewer and storm drainage. Director Landeck introduced Jack Bryck and Andrew Ream with Arcadis [the consultants who prepared the Plan].

Jack Bryck explained that the purpose of the Business Plan is to confirm the Utility Department's mission, to provide a clear and concise description of the financial basis of the Utility Plan and look at the activities that drive those, and the resources needed to support those endeavors, and to provide services in a sustainable way, to look at the mechanism that was developed by staff to demonstrate the Utilities Department has the financial and managerial ability to meet the expected goals of the community and Council. The City Council requested business plan was grounded in the March 1, 2011 Utility Department Comprehensive Water, Wastewater and Storm Drainage policy Resolution. City Council wanted the Utility Department to run like a business and establish rates to adequately manage the existing Utility systems. The Business Plan has to address the short term vision of managing the 35,000 residents and also plan for the future with up to 60,000 residents.

Several departments were involved in the completion of the Business Plan which took hundreds of hours to complete. A technical memorandum was submitted on July 25, 2013 which documented the information and process involved in the many months of preparation for the Plan. The Business Plan was submitted on September 16, 2013 and was reviewed by City Council on September 24, 2013. The Business Plan pinpoints certain areas of need regarding specific areas of the City's infrastructure that has outlasted its life expectancy, adjusted revenue sources for compliance regarding obligations put on the City by the Federal and State Governments, conservation, invest in future water resources, invest in staff and increase community understanding and support of this important Plan. The City and Utility Mission Statements both clearly address essential services and quality of life. There are a number of strategic goals, objectives and action items that were identified during this process. The action items were prioritized under the goals and tracking and reporting progress is very important if the Department is being run as a business. Staff will be reporting to Council on a regular basis and will be tracking the metrics coming out of the Business Plan.

There were nine (9) strategic business goals that were developed with the team including: Improving financial viability to establish rates, charges and fees that would adequately meet the annual revenue when there are requirements to run these utilities including a rate survey; investing in essential infrastructure to help build a community; conserving water resources; optimizing operation and maintenance to help the department run smarter; planning and growing responsibly; protecting the environment; building and training the workforce; providing a high quality service; and enhance understanding and support. There are close to one hundred (100) action items for these nine (9) objectives and there is a timeframe set for all of them.

The steps to move forward include implementation steps to adopt and move forward with the Business Plan to allow this to operate like a business. It is important that metrics be set and progress is tracked and reported. It is important to share the City Plan and take opportunities to involve the community for these essential services. It will also be important to revisit and update the Plan annually. The most critical needs in 2014 include: increase critical infrastructure funding, one million dollars in the next three (3) to five (5) years for underground water and wastewater infrastructure; explore revenue sources and use existing financial policies effectively, using a Rate and Fee Study; invest in future water resources; and invest in Utilities staff to keep and maintain trained staff.

City Attorney Margaret Brubaker asked that the title of the Resolution and paragraph 2 of the Resolution be amended to read “*A Resolution of the City Council of the City of Brighton, Colorado Approving the Utilities Department Business Plan Prepared by Arcadis US, Inc.; Authorizing the Utilities Director through the City Manager to Prepare...*”

City Manager Esquibel answered questions from Council regarding:

- Will Financial Planner Gene Andrist be involved in the financial portion of this Plan.

Motion by Councilmember Baca to approve Resolution 2013-120 with the amend title, as read by Mayor McLean, **second by Councilmember Rose.**

Voting aye: All present.

11. GENERAL BUSINESS

A. Schedule a Special City Council Meeting for November 7, 2013 at 6:00 p.m. to Set the Ward 4 Runoff Special Election and Approve Ballot Content.

Motion by Councilmember Bell to schedule a Special City Council Meeting for November 7, 2013 at 6:00 p.m. to set the Ward 4 Runoff Special Election and Approve the Ballot Content, **second by Councilmember Edwards.**

Voting aye: All present.

12. REPORTS

A. By the Mayor – Mayor McLean attended a Brighton EDC meeting at Vestas last week and it was a great event. Mayor McLean attended Walk to School Day with Pennock Elementary students. Mayor McLean attended the 8th grade assembly at Foundations Academy and it was a fun event. Commerce City is hosting an ADCOG breakfast at Buffalo Run on Friday at 7:30 a.m. The Flood Relief Concert will be held at the Armory on October 19th and there will be an ADCOG dinner in Aurora on Friday.

B. By Department Heads – No report.

C. By the City Attorney – No report.

D. By the City Manager – No report.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Baca attended the Volleyball match between Brighton High School and Prairie View High School last week and was invited to attend the football game on Friday. There was expected to be five (5) to six (6) thousand people in attendance. There was an extensive plan for parking and crowd control with coordination between Brighton Police, Brighton Fire, Commerce City

Police, the ambulance service and 27J officials. Everyone was prepared and it was an enjoyable evening.

Councilmember Wallin reported that the Brighton Youth Commission Haunted House will be held this Friday and Saturday and next Friday and Saturday. Councilmember Wallin thanked Councilmember Edwards for his help with construction of the Haunted House.

Councilmember Martinez attended the football game, it was a wonderful event and the Police Department did an excellent job.

Mayor McLean attended the game and participated in the coin toss. This Saturday there will be a benefit at Copper Rail for two (2) ladies that were injured by a vehicle on Main Street.

Mayor Pro Tem Scott reported that the US Chamber of Commerce, the AFLCIO and the United Way Worldwide together put out a letter that explained that they disagree on a regular basis about how politics and policies should be done but all agree on the issue that the government should be funded to put people back to work.

Councilmember Rose reported that the Eye for Art Committee met and selected art for the new display next month; there were over three hundred (300) entries.

Councilmember Bell attended the Historic Preservation Commission meeting and the talked about plans for the old Senior Center.

Councilmember Maslanik attended the 20 Year Anniversary of the Recreation Center and it was interesting listening to former City officials speaking about their plans at the time.

Councilmember Edwards reported that the Recreation Center was less than a year old when he moved here and it was an impressive facility and it still is. Councilmember Edwards attended the Senior Advisory Board meeting. It was great to be a part of the Youth Commission Haunted House construction.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Baca to adjourn at 9:37 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2B**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON NOVEMBER 5, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:02 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Rose led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Councilmembers Baca, Bell, Edwards, Martinez, Maslanik, Rose and Wallin.

Council absent: Mayor Pro Tem Scott (excused).

Mayor McLean announced that Councilmember Rose will act as Mayor Pro Tem.

2. CONSENT AGENDA

A. Approval of the September 3, 2013 City Council Minutes.

City Clerk Natalie Hoel read the Consent Agenda into the record.

Motion by Councilmember Wallin to approve the Consent Agenda as presented, **second by Councilmember Bell**.

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Councilmember Edwards to approve the Regular Agenda as presented, **second by Councilmember Maslanik**.

Voting aye: All present.

4. CEREMONIES

A. Introduction of New Employees by Human Resources Director Karen Borkowski.

Human Resources Director Borkowski introduced Aja Tibbs, Long Range and Historic Preservation Planner and Kimberly Dall, Assistant Streets and Fleet Director and gave a brief history of their background.

Mayor McLean and **City Council** welcomed the new employee to the City of Brighton.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Tom Green, 500 Cooperative Way, Brighton. Mr. Green, United Power Representative explained that the City has completed several projects to install LED lights which have saved the City in utility bills, maintenance and inventory. Mr. Green presented two (2) checks to the City in the amount of \$1906.50.

6. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A Resolution Adopting the 2014 Budget, and Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts Specified Below, for the City of Brighton, Colorado, for the 2014 Budget Year. (Public Hearing continued from October 15, 2013)

Mayor McLean read the title of the Resolution into the record.

The public hearing was opened at 7:13 p.m. on October 15, 2013 and continued to this meeting. City Clerk Natalie Hoel verified the required postings and publications (October 6, 2013 in the *Denver Post*) for the public hearing were completed.

City Manager Manuel Esquibel explained that City Council has spent the last few months preparing to approve the 2014 budget. City Manager Esquibel presented to City Council a summary of the City Council's comments that were made at the budget session in October. Staff will review the approved budget in December and take Council's comments into consideration at that time. The 2014 budget reflects a modest approach to the coming year. This budget does not include requests for new staff but does maintain the services that citizens are receiving at this time. 2014 is considered to be a building year and staff believes that the City will continue to grow in the next year with new opportunities and that the benefits of that growth will be seen in 2015. This budget does reflect the present policies that City Council has identified as priorities and maintains current service levels. The budget will be reviewed and modified throughout 2014. City Manager Esquibel introduced Budget and Policy Director Bernadette Kimmey.

Budget and Policy Director Bernadette Kimmey reported that the 2014 budget is comprised of the following fifteen (15) funds, each with a balanced budget: General Operating Fund \$23,468,723; Capital Improvement Fund \$4,997,641; Parks and Recreation Capital Improvement Fund \$3,131,330; Water Utility Enterprise Fund \$8,925,855; Sewer Utility Enterprise Fund \$6,047,866; Storm Drainage Utility Enterprise Fund \$273,658; Landscaping Fund \$6,000; Impact Fees Fund \$200,000; Highway Fund \$60,000; Lottery Reserve Fund \$300,000; Lodging Tax Fund \$314,000; Cemetery Fund \$310,235; Cultural Arts Fund \$22,460; Cemetery Perpetual Care Trust Fund \$25,500; and Urban Renewal Authority Fund \$5,834,225 for a total budgeted amount of \$53,917,493.

Mayor McLean asked if anyone in the audience had questions, there was none.

Councilmember Rose reported that there have not been any changes since last week and although it seems like a lot of money it does take a lot of money to run a City the size of Brighton. It is important to expand the City's infrastructure and programs and this is a reasonable budget. Councilmember Rose thanked staff for their work putting this budget together.

Mayor McLean closed the public hearing at 7:21 p.m.

Motion by Councilmember Martinez to approve Resolution 2013-121 the title of which as read by Mayor McLean, **second by Councilmember Maslanik.**

Voting aye: All present.

B. A Resolution Levying General Property Taxes for the Year 2013, to help Defray the Costs of Government for the City of Brighton, Colorado, for the 2014 Budget Year.

Mayor McLean read the title of the Resolution into the record.

Budget and Policy Director Bernadette Kimmey reported that the City Council has adopted the 2014 budget and the amount of money necessary to balance the budget for general operating purposes from property tax revenue is 1,838,865. This amount is within both the TABOR and Statutory limits. This amount will be certified to both Adams and Weld Counties and collected with general property taxes in 2014. The amount being requested is 6.650 mills and this mill levy has been in place since 2003 and has not increased in that time, but has actually gone down; in 1995 the mill levy was 8.8 mills.

Motion by Councilmember Bell to approve Resolution 2013-122 the title of which as read by Mayor McLean, **second by Councilmember Edwards**.

Voting aye: All present.

7. ORDINANCES FOR FINAL CONSIDERATION

A. An Ordinance of the City Council of the City of Brighton, Colorado, Establishing Certain Benefits for City Personnel for the 2014 Budget Year and Setting Forth the Details Related Thereto.

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel explained that this is final reading of this Ordinance and there have not been any changes since first reading.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Human Resources Director Karen Borkowski answered questions from Council regarding:

- The City's benefit package comparing to neighboring communities.

Motion by Councilmember Maslanik to approve Ordinance 2162 the title of which as read by Mayor McLean, **second by Councilmember Rose**.

Voting aye: All present.

8. RESOLUTIONS

A. Lodging Tax Advisory Committee Appointments.

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Ronald Ames as a Member of the Lodging Tax Advisory Committee for a Three Year Term to December, 2016.**
- 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Lindsay Killin as a Member of the Lodging Tax Advisory Committee for a Three Year Term to December, 2016.**

B. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Doris Benavides as a Member of the Brighton Housing Authority with a Term to November, 2018.

Motion by Mayor McLean, second by Councilmember Baca to continue Items 8A(1), 8A(2) and 8B to November 19, 2013 because there is not a quorum of Councilmembers that was present at the interviews.

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado Approving Change Order No. 1 to the Contract with Asphalt Specialties, Inc. for the 2013 CIP Crack Seal, Overlay and Concrete Program to Expand the Scope of Work to Include Additional Work for the Parks and Recreation Department at the Recreation Center Parking Lot, Entrance and Concrete Path for an Amount not to exceed Sixty-five Thousand Dollars (\$65,000) and Authorizing the City Manager to Sign the Change Order on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith explained that this is an expansion of the work that the contractor [Asphalt Specialties] was requested to do in the original contract previously approved by the City Council. Next year the work for the Parks and Recreation Department will be bid in the same contract as the Streets work to be done. This request is the expansion of \$65,000 which includes work to rotomill, overlay and crack sealing at the Recreation Center and replace an asphalt bike path with a concrete path.

Motion by Councilmember Martinez to approve Resolution 2013-123 the title of which as read by Mayor McLean, **second by Councilmember Wallin.**

Voting aye: All present.

D. A Resolution Providing Funds for a 2013 Supplemental Budget Appropriation in the Amount of Two Million Nine Hundred Forty Two Thousand One Hundred Sixty Eight and No/100 Dollars (\$2,942,168.00) for the Bromley Lane and US Hwy 85 Safety Improvement Project.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith explained that this action is an adjustment to the process for this project. The City collects funding from Federal earmarks and from the State, but the City can only collect those funds after it has paid the contractor for the project. The City has a contractor in place to complete the project at Main Street and Bromley Lane, but before the Federal or State funds can be recovered, the City must create an account to pay the contractor up front and get reimbursed later. This action does not change the cost of the project. The amount of the project for Federal earmarks and State contribution funds is \$2,942,168, \$1,471,084 from Adams County Road and Bridge and \$1,471,084 from Traffic Impact Fees. Director Smith answered questions from Council regarding:

- Colorado Department of Transportation (CDOT) being in charge of this project.
- A contract in place to ensure the City will be paid.
- A start date for the project.
- The completion date for the project.
- The anticipated timeframe for reimbursement from the Federal and State earmarks.

Motion by Councilmember Edwards to approve Resolution 2013-124 the title of which as read by Mayor McLean, **second by Councilmember Rose**.

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

10. GENERAL BUSINESS

A. Cancel the Study Session on November 12, 2013 for the National League of Cities.

Motion by Councilmember Martinez, second by Councilmember Wallin to Cancel the November 12, 2013 Study Session meeting.

Voting aye: All present.

B. Schedule a Special Study Session on December 3, 2013 at 5:30 p.m. regarding Inclusivity.

Motion by Councilmember Rose, second by Councilmember Bell to schedule a Special Study Session on December 3, 2013.

Voting aye: All present.

11. REPORTS

A. By the Mayor – Mayor McLean reported that RTD has funded the approval of the north line to 124th Avenue at Eastlake and a second segment to Colorado Boulevard and Highway 7. The CEO and President of the Boys and Girls Club John Arigoni is retiring.

B. By Department Heads – Streets and Fleet Director Joe Smith presented the City's snow plan to City Council.

City Manager Esquibel explained that the City has implemented a Call Center for emergency situations associated with the snow storm, if needed.

City Clerk Natalie Hoel reported that there will be a link on the City's website to Adams County and Weld County to check election results.

C. By the City Attorney – No report.

D. By the City Manager – No report.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Wallin thanked staff, the Fire Department and the Police Department for their help with the Youth Commission Haunted House, it was a great event.

Councilmember Bell attended the ribbon cutting for Colorado Clays Shooting Park and urged everyone to visit this fascinating facility.

Councilmember Rose reported that the Lodging Tax Committee met to decide on the grant requests and their recommendations will be presented at the next Study Session. Councilmember Rose attended the Economic Development Gala; it was a great event and congratulations to staff.

Councilmember Rose attended the joint meeting with School District 27J and attended the Tractor Supply grand opening.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Edwards to adjourn at 8:05 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2C**

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL FOR
THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON NOVEMBER 7, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 6:01 p.m.

A. Pledge of Allegiance to the American Flag.

City Manager Manuel Esquibel led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Scott, Councilmembers Baca, Bell, Edwards, Maslanik, Rose and Wallin.

Council absent: Councilmember Martinez (excused).

2. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Councilmember Rose to approve the Regular Agenda as presented, **second by Councilmember Wallin.**

Voting aye: All present.

3. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado Certifying the Ballot Content for the Special Run-off Municipal Election for Ward 4 to be held on December 3, 2013; Appointing the Brighton City Clerk as the Designated Election Official; Designating the Voting Locations; Instructing the City Clerk Regarding the Conduct of Election; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Attorney Margaret Brubaker explained that the title of the Resolution has been revised and is different than what was presented in the packet. Staff has been in contact with the Secretary of State's Office Election Division and they recommended that the City's Special Run-off Election be conducted under the Municipal Election Code. Ballots will be mailed to all active registered voters in Ward 4 and they can be returned to City Hall during normal business hours beginning November 18, 2013. The Eagle View Adult Center has been designated as a polling place in Ward 4 on Election day and will be open from 7:00 a.m. to 7:00 p.m. to give citizens several options to vote on Election day.

The City of Brighton Charter requires that if a candidate does not receive over 50% of the votes a Run-Off Election will be held on the first Tuesday in December which is December 3, 2013 this year. The Charter states that the two (2) persons receiving the most votes will be in the Run-Off election and the candidate who filed their petition first will be placed first on the ballot.

City Attorney Brubaker read paragraph #9 from the Resolution into the record. *"The designated voting locations for the special run-off election for Ward 4 are the Brighton City Hall, 500 South 4th Avenue, Brighton, Colorado 80601, which shall be open for the receipt of ballots and voting during*

regular business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of Thanksgiving day November 28, 2013 and Friday November 29, 2013, the day after Thanksgiving and on election day from 7:00 a.m. to 7:00 p.m.: and the Eagle View Adult Center, 1150 Prairie Center Parkway on December 3, 2013 from 7:00 a.m. to 7:00 p.m.”. City Attorney Brubaker answered questions from Council regarding:

- Eagle View Adult Center only being open on Election day.

Motion by Councilmember Maslanik to approve Resolution 2013-113A the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

4. ADJOURNMENT

Motion by Councilmember Maslanik, second by Councilmember Bell to adjourn at 6:10 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

City Council Agenda Item 2D

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON NOVEMBER 19, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Wallin led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Scott, Councilmembers Baca, Bell, Edwards, Maslanik, Rose and Wallin.

Council absent: Councilmember Martinez (excused).

2. CONSENT AGENDA

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Councilmember Wallin to approve the Regular Agenda as presented, **second by Councilmember Rose.**

Voting aye: All present.

4. CEREMONIES

A. Great Outdoors Colorado Starburst Award for Carmichael Park.

City Manager Manuel Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle introduced Matt Robbins with the Colorado Lottery.

Matt Robbins with the Colorado Lottery explained the Lottery program that has returned over 2.5 billion dollars to the State of Colorado for Parks and Recreation and open space over the last thirty (30) years. Mr. Robbins presented the City of Brighton with the 2013 Starburst Award for Carmichael Park.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Brighton Fire Rescue District Chief Mark Bodane updated City Council on the status of the placement of the statue for the Brighton Volunteer Firefighters and explained that the Board has decided that it will be placed at Station 2 on Bridge Street.

6. PUBLIC HEARINGS

7. ORDINANCES FOR FINAL CONSIDERATION

- A. An Ordinance of the City of Brighton City Council Approving the Case Farms PUD (Planned Unit Development), 1st Amendment for the Approximately 7.689 Acre Property, Located within the Northeast Quarter of Section 17, Township 1 South, Range 66 West of the 6th Principal Meridian, City of Brighton, County of Adams, State of Colorado.**

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel explained that this is the final reading of this Ordinance and there have not been any changes since first reading.

Assistant City Manager of Development Marv Falconburg reported that this PUD Amendment will allow a church on Lot 1 of the six (6) acre lot. There will be two (2) access points on the property and the Final Plat and Development Plan have already been completed.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Rose to approve Ordinance 2163 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

8. RESOLUTIONS

A. Lodging Tax Advisory Committee Appointments.

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Ronald Ames as a Member of the Lodging Tax Advisory Committee for a Three Year Term to December, 2016.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Edwards to approve Resolution 2013-125 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Councilmember Wallin abstained from voting because he was not present at the Board interviews.

Voting aye: All present (one abstention).

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Lindsay Killin as a Member of the Lodging Tax Advisory Committee for a Three Year Term to December, 2016.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Rose to approve Resolution 2013-126 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Councilmember Wallin abstained from voting because he was not present at the Board interviews.

Voting aye: All present (one abstention).

- B. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Doris Benavides as a Member of the Brighton Housing Authority with a Term to November, 2018.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Baca to approve Resolution 2013-127 the title of which as read by Mayor McLean, **second by Councilmember Edwards**.

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor – Mayor McLean attended a ceremony honoring three (3) Brighton World War II veterans who received the French Legion of Honor Medal. Mayor McLean spoke with children from Turnberry Elementary with the Mayor from Commerce City. Mayor McLean and fifteen (15) staff members attended an event at the Merchandise Mart to speak with 7th Graders about careers in government, it was a great event.

B. By Department Heads – Economic Development Director Robert Smith reported on a company that has committed to develop twenty (20) acres in the City. Director Smith attended the Chamber of Commerce annual meeting last Saturday and the Chamber presented the City with the Crystal Egg Award to honor the City's support of the Chamber of Commerce. Director Smith announced that Holly Hansen is the new president of the Chamber of Commerce.

City Clerk Natalie Hoel updated City Council on the upcoming Special Run-off Election.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reminded City Council about the meeting with Lochbuie on Thursday at Pinocchio's on Thursday. There will be a speaker on December 3, 2013 at 5:30 at a Special Study Session to discuss inclusivity. He will also be making a presentation at the Armory at 1:30 p.m.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Baca reported that she is happy to see Vestas hiring for new positions and encouraged the citizens of Brighton to apply for these positions.

Councilmember Wallin reported on the recognition that the Brighton Youth Commission received at the National League of Cities conference. Youth Commission member Austin Bargmann did an excellent job on the panel regarding the Youth Commission and the direction of youth in cities. Councilmember Wallin thanked the Youth Commission for all of their hard work.

Mayor McLean attended a roundtable discussion at the National League of Cities Conference and members of the Youth Commission were speakers.

Mayor Pro Tem Scott attended the After School Policy Advisors Network; they are doing some exciting work. Mayor Pro Tem Scott hopes this information will be brought to a future Study Session.

Councilmember Rose attended a session at NLC regarding mobile vendors including food trucks, crafts and arts. Councilmember Rose asked staff to find more information regarding the licensing of these types of vendors. There was another session regarding ways to attract new businesses and keep

older businesses with incentives. There was an expo on national bike riding which is taking off in many cities. America in Bloom looks into getting more flowers and plants in an around the City. This Friday is a Colorado Downtown Institute taking place at the Armory and the opening of the new Eye for Art reception “Moments to Remember”.

Councilmember Bell expressed his appreciation at being allowed to attend NLC, it was an outstanding conference. The Brighton Youth Commission is making its mark in Colorado and also across the nation.

Councilmember Edwards attended sessions at NLC regarding public safety and thanked Chief of Police Blackhurst and his staff for keeping the City safe. Councilmember Edwards thanked the Youth Commission for their hard work and the responsibilities they are taking on.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Wallin, second by Councilmember Baca to adjourn at 7:54 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2E**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON DECEMBER 3, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:07 p.m.

A. Pledge of Allegiance to the American Flag.

Henry Sakaguchi, Goro Sakaguchi and Wayne Peer led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Scott, Councilmembers Baca, Bell, Edwards, Martinez, Rose and Wallin.

Council absent: Councilmember Maslanik (excused).

2. CONSENT AGENDA

A. Resolution Setting the City of Brighton Holiday Schedule and General Leave for 2014 Calendar Year.

Resolution 2013-128

B. A Resolution of the City Council of the City of Brighton, Colorado Approving Lodging Tax Grants from the Lodging Tax Fund in the Amount of Two Hundred Forty Nine Thousand Dollars (\$249,000) for Calendar Year 2014; Designating the Following Recipients and Amounts of Said Grants: Brighton Cultural Arts Commission – Live at the Armory 2014 \$45,000 and Tell the Story \$20,000; Heart of Brighton (HOB) – The Second Annual Brighton Blues Festival \$20,000; Brighton Chamber of Commerce – We Are Brighton \$54,000; Brighton Economic Development Corporation – Brighton EDC Business & Economic Development Marketing Program \$70,000 and Brighton Branding/Image Campaign Implementation \$40,000; Authorizing the City Manager to Execute the Agreements with the Recipients of the 2014 Allocation on Behalf of the City; and Setting Forth Other Details Related Thereto.

Resolution 2013-129

C. Approval of the September 17, 2013 City Council Minutes.

D. Approval of the October 1, 2013 City Council Minutes.

Deputy City Clerk Patricia Leyva read the Consent Agenda into the record.

Motion by Councilmember Bell to approve the Consent Agenda as presented, **second by Mayor Pro Tem Scott.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel asked that the Agenda be amended to add Item 4D, The Memory Preservation Coalition Presentation.

Motion by Mayor Pro Tem Scott to approve the Regular Agenda as amended, **second by Councilmember Rose**.

Voting aye: All present.

4. CEREMONIES

A. Proclamation for Henry Sakaguchi for receiving the French Legion of Honor Medal.

Mayor McLean read the Proclamation into the record and thanked Mr. Sakaguchi for his service to our country and congratulated him on this special honor.

Motion by Councilmember Martinez, second by Councilmember Baca to approve the Proclamation.

Voting aye: All present.

Mayor McLean presented the Proclamation to Henry Sakaguchi.

B. Proclamation for Goro Sakaguchi for receiving the French Legion of Honor Medal.

Mayor McLean read the Proclamation into the record and thanked Mr. Sakaguchi for his service to our country and congratulated him on this special honor.

Motion by Councilmember Rose, second by Councilmember Bell to approve the Proclamation.

Voting aye: All present.

Mayor McLean presented the Proclamation to Goro Sakaguchi.

C. Proclamation for Wayne Peer for receiving the French Legion of Honor Medal.

Mayor McLean read the Proclamation into the record and thanked Mr. Peer for his service to our country and congratulated him on this special honor.

Motion by Councilmember Edwards, second by Councilmember Martinez to approve the Proclamation.

Voting aye: All present.

Mayor McLean presented the Proclamation to Wayne Peer.

D. The Memory Preservation Coalition Presentation.

Cultural Arts Manager Helen Rodriguez introduced Carol Nichols. Carol Nichols explained how a group of volunteers helped to preserve important papers and photos belonging to Colorado flood victims at Historic City Hall.

E. Youth Commission Presentation Regarding National League of Cities Conference.

Youth Services Manager Tawnya Russell explained that the Youth Commission was extraordinary at all of the conferences that they attended at the National League of Cities in Seattle.

Youth Commission members thanked City Council for the opportunity to attend the conference and reported to City Council their experiences at the National League of Cities.

F. Introduction of New Employees by Human Resources Director Karen Borkowski Surine.

Human Resources Director Karen Borkowski Surine introduced Carla Gutierrez, Permit Technician and gave a brief history of her background.

Mayor McLean and **City Council** welcomed the new employee to the City of Brighton.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

There was no comment under this portion of the Agenda.

6. PUBLIC HEARINGS

A. A Resolution of the City Council of the City of Brighton, Colorado, Pursuant to and in Accordance with Ordinance No. 1620 (The “Pacing Ordinance”), as Amended by Ordinance No. 1664, as Amended by Ordinance No. 1720, Temporarily Suspending the Implementation of those Provisions of said Ordinance Relating to the Process of Establishing and Allocating a Specific Number of Residential Building Permits for Calendar Year 2014, as More Fully Set Forth Herein.

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 7:54 p.m. and Deputy City Clerk Patricia Leyva verified the required postings and publications (October 30, 2013 in the *Brighton Standard Blade*) for this public hearing were completed.

City Manager Esquibel introduced Community Development Director Holly Prather.

Community Development Director Holly Prather explained that this Resolution will suspend the pacing allocation Resolution that has been in effect since 2000. City Council has suspended this Resolution for the past six (6) years. Pacing was originally established to control growth at a time when there was an enormous amount of growth in the City. As of November 2, 2013 there have only been ninety-nine (99) permits issued and at this pace there will be less single-family detached permits issued than last year. Staff is anticipating a similar number of permits in 2014. Staff does not believe there is a pressing need to institute the Pacing Ordinance which would require all of the subdivisions under the pacing requirements to submit an allocation request to be reviewed by staff and a number to be determined by City Council. Staff feels there are enough City services in place to provide adequate water and sewer services, infrastructure, roads and school capacity to accommodate the anticipated number of permits for 2014. Staff is requesting that pacing be suspended for the year 2014.

Mayor McLean asked if anyone in the audience had questions for the applicant, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request, there was none.

Mayor McLean asked if any correspondence had been received, there was none.

Mayor McLean asked if there were questions from City Council, there was none.

Mayor McLean closed the public hearing at 7:58 p.m.

Motion by Councilmember Wallin to approve Resolution 2013-130 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

B. Amendments to the Brighton Municipal Code, Chapter 17, Land Use and Development Code.

Mayor McLean read the title of Items 6B(1) and 6B(2) into the record.

Mayor McLean opened the public hearing at 8:01 p.m. and Deputy City Clerk Patricia Leyva verified the required postings and publications (October 30, 2013 in the *Brighton Standard Blade*) for this public hearing were completed.

Community Development Director Holly Prather reported that the request before Council is to review at a public hearing and consider at first reading an amendment to the Land Use and Development Code, Chapter 17 of the Municipal Code generally regarding the Oil and Gas Regulations, Table of Uses, Performance Standards in regards to tattoo and body art establishments and the Development Standards for signs, fences and site triangles. These Code amendments have been drafted into two (2) separate Ordinances.

Staff received direction to allow tattoo and body art establishments as a use by right in the Downtown Zone District, C-2 Zone District, C-3 Zone District and I-1 Zone District. This is currently a conditional use in the I-1 Zone District. Staff was also given direction by Council to create performance standards relating to the operation of tattoo and body art establishments and to clean up miscellaneous items in the Code that were conflicting provisions, redundant or not adequately addressed. Staff found that the South 4th Avenue Overlay Zone District Regulations encourage Mixed Uses within a building, like having an accounting business and living in the same unit. Staff typically classifies this as a Live/Work unit. The Tabulation of Uses box was not checked to allow this type of use in the South 4th Avenue Overlay Zone District. The Tabulation of Uses has now been checked to allow this as a Use by Right in the new Ordinance. A South 4th Overlay Plan would still have to be submitted and approved by staff before they could operate a Live/Work unit.

Staff is also revising the Monument Sign portion of the Code to remove the 500' requirement between signs on a lot because this requirement creates practical difficulties on smaller lots. City Council approved some Sign Code amendments last year and one of those was to reduce that distance to 250'; however this change was not made in the second section of the Code with the 500' requirement so that change is being made at this time.

Staff is removing the existing language and charts regarding site triangles and replacing these with new charts and language to better protect the health, safety and welfare of residents. Staff was unable to find how the current site triangle regulations were put into the current Code. The Development Engineering Manager had some concerns with the current site triangles that are in the Land Use Code and asked that the City consider using the Engineering Standards, so those standards which are based on speed and the design of the roadway are being proposed.

The last update on the Oil and Gas Code Amendments was performed in 2005 by the City Attorney's Office. Director Prather thanked the City Attorney's Office for all of their hard work on drafting this

Oil and Gas Amendment Ordinance. Director Prather entered her staff report and presentation into the public record. (Attached as Exhibit A and Exhibit B) The purpose of the proposed Code amendment related to Oil and Gas is to have consistency with the Colorado Oil and Gas Conservation Commissions (COGCC) Regulations. In 2012 and 2013 a lot of rulemaking was done by the COGCC regarding setbacks and groundwater. The City's regulations were consistent with the rules from 2005 so those standards must be updated to be consistent with the current State standards. Regulations must also be established to protect the Brighton community as well. The City's regulations must be in harmony and consistent with the State's regulations but there are also community interests that are applicable to Brighton and those need to be protected.

City Council has been studying issues surrounding Oil and Gas and has had the following persons present information to them: William Fleckenstein, P.E. PhD, Colorado School of Mines Professor "Best Practices in Hydraulic fracturing"; Sarah Landry, Colorado Oil and Gas Association, "Moving beyond misinformation – education and engagement"; Abel Montoya, Adams County Planning and Development Director, "Oil and Gas drilling in Adams and Arapahoe County"; Weld County Staff, "Weld County Niobrara oil and gas development"; Altus Environmental, "Oil and gas development environmental issues"; Greeley staff, "Oil and gas development review and regulations"; Patricia Silverstein, Development Research Partners, "Economic and fiscal impacts of the oil and gas industry in Adams and Weld Counties"; and Geoff Wilson, CML Attorney, "Reporting on status of state task force on cooperative strategies regarding state and local regulation of oil and gas development, policies and protocol recommendations".

Regarding the purpose of the Oil and Gas Ordinance, it is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners or lessees of subsurface mineral interests have certain legal rights and privileges including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests subject to State and City regulations. Similarly, owners of the surface estate have certain legal rights and privileges including the right to have the mineral estate developed in a respectful manner and to have adverse land use impacts upon their property associated with the development of the mineral estate minimized and mitigated. Additionally the City's primary source of water for its municipal and domestic use comes from numerous wells located throughout the City and the protection of those groundwater resources is essential to the health, safety and general welfare of the residents. Such development of mineral estates must minimize and mitigate any adverse impacts to the City's groundwater resources.

In regards to applicability, these regulations shall apply to oil and gas exploration and production operations proposed or located in the City, including the permitting, construction, erection, maintenance, alteration, repair and location of wells, accessory equipment or structures. Any existing oil or gas wells in the City or in the County which are already annexed in do not require an Oil and Gas Permit unless the well is expanded. The definition section of the Ordinance includes the terms used in the Oil and Gas Conservation Act of the State of Colorado.

Well and production facility setbacks are the setbacks that the COGCC recently approved and are now in effect and there are various setbacks. The "buffer zone setback" – there can be no oil or gas facility located within 1000' or less from a building unit unless the COGCC approval contains conditions of approval sufficient to eliminate, minimize or mitigate potential adverse impacts to public health, safety, welfare, the environment and wildlife. A "building unit" is defined as a residential unit of any type as long as it is occupied, a 5000 sq ft or more area for commercial or 15,000 sq ft or more of industrial space. The "exception zone setback" – no oil or gas facilities shall be located within 500' or less from a building unit unless COGCC approval contains conditions to sufficiently eliminate, minimize or mitigate potential adverse impacts to the public health, safety, welfare, the environment and wildlife to the maximum extent technically feasible and economically feasible. "Designated outside activity areas" – no oil or gas facilities shall be located 350' or less from the boundary of a designated outside activity area which generally includes outdoor venues or

recreation areas, playgrounds, permanent sports fields, amphitheaters or other similar places of public assembly whether it is owned or operated by a city, school district or special district or other governmental entity. The COGCC may grant a waiver of setbacks; however, according to the City's regulations they must meet the setbacks to the greatest extent possible and it may require special mitigation measures. The City reserves the right to place conditions on the COGCC variance in its own permitting process.

Regarding well water sampling and monitoring, no less than 120 days prior to commencement of drilling, re-stimulation of a well or installation of an oil and gas facility located within one mile of a City water well, the Operator shall provide the City with an oil and gas Location Assessment Notice. Prior to drilling, re-stimulation or installation of an oil and gas facility the Operator shall obtain an initial baseline sample of the water produced by the wells. Subsequent sampling shall be conducted and testing by the Operator if the City identifies changes in water quality from the City's wells or further water well sampling is required due to complaints from users of the City's water. Sampling locations shall be selected by the Operator and the City based on water features closest to the oil or gas well with a preference to domestic water wells and based on ground water and surface water flow directions and if possible the sampling locations should be on opposite sides of the well and when possible from different aquifers. The sampling shall be lab tested and test results will be sent to the City within thirty (30) days. COGCC Rule 609 just requires pre and post drilling samples; this is where the City's regulations differ from the COGCC regulations. The City will require the pre and post sampling but will also require sampling at one (1), three (3) and six (6) year intervals as well.

The City will require a permit for any new oil or gas well and reactivated wells, or to perform initial installation of accessory equipment or pumping systems. Permits will be granted after the use by right approval or the conditional use approval as determined by the zone district in which the well is proposed to be located. Regarding the approval criteria, the permit must be issued by the COGCC first and the form and filing fee for the City permit must be submitted. An Extraction Agreement must be entered into with the City. The applicant must comply with the general standards of the Ordinance, the site development standards of the Ordinance, the odor and dust containment standards, noise impacts, traffic impacts, emergency preparedness plan, air emissions mitigation plan and have their financial assurances in place as part of the approval. The approval timeframe for the permit requires that any extensions shall match the State's approval. The permit will expire upon abandonment and reclamation and if there is any other permits, licenses or codes that are applicable, those must be complied with and the operator must commence with operations within 180 days of the permit approval or the permit shall lapse.

Regarding the public notification process, notification timelines shall follow that of the conditional use requirements as set forth in the Land Use and Development Code which is a fifteen (15) day notice in a local paper, a fifteen (15) day notice to properties within 300' and a sign posting on the property. Regarding third party technical review, the Ordinance provides that the City reserves the right to require the use of technical consultants and the cost to be borne by the Operator.

Every Operator of an oil or gas facility will enter into an Extraction Agreement with the City. The Ordinance also includes site development concerns including requirements for visual impact analysis when adjacent to or in the vicinity of residential or commercial land uses. This could include photographic simulations of the oil and gas well site that include proposed impact mitigation measures; this could be set forth in the Extraction Agreement. Each Extraction Agreement will be site specific. These visual mitigation methods may include one (1) or more of the following: use of low profile tanks, facility painting, vegetative or structural screening, land berming or landscaping, fencing, if required shall include an 8' high fence and landscaping may include the installation of groundcover, trees and shrubs of a drought tolerant variety for screening and aesthetic purposes; lighting shall follow the Industrial Design Standards in regards to height, type and photo metrics; and signs and markers shall be in conspicuous place from the time of initial drilling throughout the operations and until final abandonment.

Regarding environmental issues, flood plain restrictions such that the well and tank battery shall comply with all applicable Federal, State and local laws and regulations when located in a floodway or a 100 year flood plain. Further, all equipment and production sites located within a 100 year flood plain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a stable, erosion resistant berm with a top elevation of at least 1' above the level of the 100 year flood plain. In some instances, operations in hazard areas including flood plains and man-made conditions that constitute a hazard to the public health or safety or to property shall be prohibited. Land shall not be developed for oil and gas facilities and operations until hazards have been identified and avoided or removed or until the Operator can show that the impact to the hazards can be mitigated to the satisfaction of the City.

Compliance with other environmental requirements includes surface trash debris, scrap or discarded material. Noise impacts or other special mitigation matters for those instances where a facility does not meet setbacks or where the facility may have noise sensitivity such as hospitals, schools or churches. Safety impacts and mitigation would include compliance with all COGCC rules and adequate firefighting apparatus and supplies as approved by the Brighton Fire Rescue District shall be maintained on the drilling site at all times during drilling, completion and repair operations. Wildlife impacts and mitigation would include compliance with COGCC rules or sensitive areas as defined by the City. The applicant shall consult with the Colorado Division of Wildlife and the City to obtain recommendations for appropriate site specifics and cumulative impact mitigation procedures. Regarding vegetation, the applicant will include an analysis of the existing vegetation at the oil and gas well or facilities to establish a baseline for re-vegetation upon abandonment of the oil and gas facility or upon final reclamation of the oil and gas site. Regarding general waste management including items such as the site being free and clear of weeds, litter, debris and any onsite waste shall be disposed of in accordance with the COGCC regulations and the site shall also have drinking water and toilet facilities. Drainage and Stormwater shall comply with the City requirements and the Colorado Department of Health and Environment. Regarding nuisances, operations shall be conducted in a manner that odor and dust shall not create a nuisance. Additional mitigation measures may be required via the Extraction Agreement based on site specificity. The City may require a traffic impact study regarding any proposed impacts to City roads and bridges and the addition of new traffic. Mitigation may include public road improvements and would be addressed in the Extraction Agreement.

Pipelines shall follow the COGCC rules and regulations and any surface use agreements with the surface owner and pipelines should align with the existing roadways, and Operators should share pipeline right-of-ways where available.

Prohibited facilities would include injection wells for oil and gas waste, disposal pits and temporary housing including trailers and recreational vehicles.

Abandonment and Plugging would have to follow the COGCC rules and notify the Fire District no less than two (2) hours prior to commencement of plugging operations and any reports related to the procedure should be filed with the City at the same time as the COGCC. Impact fees may be required via the Extraction Agreement for impact to the roadways, bridges, technical consultants and the review and processing of the permit. Recordation of flow lines, all flow lines including transmission and gathering systems shall have the legal description recorded with the County within thirty (30) days of completion and a copy shall be referred to the City. Financial assurances, the Operator shall have commercial general liability and insurance of at least one million dollars for each occurrence along with comprehensive automobile liability insurance. Regarding inspections, the City has the right to enter the site to do any inspections. Regarding appeals and noncompliance, the Operator may request an appeal or waiver from these standards. Regarding enforcement and penalties, the City cannot approve any permits if there is an enforcement action against the applicant. There is also a

section regarding seismic operations, essentially the regulations state that the City will get notice seven (7) days prior to the commencement of the seismic operations.

Mayor McLean asked if anyone in the audience had questions for the applicant, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request.

Nancy Prince, 1100 Lincoln Street, Denver. Ms. Prince is a local government liaison for the Colorado Oil and Gas Conservation Commission. Ms. Prince explained that a year ago she and her colleagues met with staff to explain the potential changes in the COGCC rules. One of the things the COGCC offers to communities considering oil and gas regulations is the opportunity for review by the Attorney General's Office to understand whether or not they are in potential conflict with the State oil and gas regulations. Ms. Prince appreciates the City's specific concerns for Brighton but also the desire to not be in conflict with the State regulations. Ms. Prince recommended that the City take advantage of the COGCC's offer to have the Ordinance reviewed by the Attorney General's Office. Ms. Prince expressed Mr. Matter's [from the Attorney General's office] concerns regarding the Ordinance that some of the issues appear to be reiterations of State regulations but a little more confusing and in those cases it would be an issue of language discussions. Ms. Prince assumed that the Extraction Agreement is what is referred to in other communities as an Operator agreement or a memorandum of understanding where things are specified that are within the State's rule but the Operator agrees to go beyond the State rules to implement. That is something that is different than what is codified within the City's rules. Some of the provisions do appear to be provisions that the COGCC and the Attorney General's Office have objected to or have sued on elsewhere, so it would be helpful to have a discussion regarding those issues.

Chris McGowne, 1800 Glennarm Place, Denver, Colorado. Mr. McGowne represents the Colorado Oil and Gas Association (COGA) and handles regulatory affairs and outreach. COGA would like to express their appreciation of the extensive education process that Council undertook and appreciates a collaborative relationship with the City moving forward. COGA understands the importance of satisfying the unique needs of each local community and they promote the responsible regulation of oil and gas development in the State of Colorado. COGA feels the proposed Ordinance conflicts with the already well established statewide oil and gas regulations and respectfully asks that this item is postponed until the regulations are amended to no longer risk preemption by State regulations set forth by the Colorado Oil and Gas Conservation Commission (COGCC).

Mr. McGowne explained that in 2008 the COGCC crafted a complete and comprehensive overhaul of the State's oil and gas regulations making them some of the most stringent in the country. These rules are continually evolving to track with operational and technological advancements, this year alone two (2) separate rulemakings regarding baseline water sampling and setbacks have been completed and an error/o mission rulemaking is underway. These rules comprehensively set industry standards for all areas of oil and gas development from drilling and production to remediation and final reclamation standards. These regulations are intended to provide a consistent standard for all Operators that make an investment in Colorado and strike a delicate balance between community and industry interests. COGA feels that Brighton's draft Ordinance duplicates and in some cases exceeds or conflicts with many of these statewide established regulations which is not to say that Brighton does not have the authority over oil and gas operations in its city, but there are many ways to address local concerns through appropriate local regulations or existing Local Government Designee (LGD) program that has been established through the State. The Local Government Designee receives immediate notice when a permit within their jurisdiction is filed with the State and they then have up to thirty (30) days to comment on the permit or request heightened standards or best management practices. If these requested conditions are approved by the COGCC staff they are then included in

the State permit and the liability for inspecting and enforcing these conditions is lifted from the City and placed on the State. Should the [COGCC] staff not agree to an LGD's request on a permit, the LGD has the authority and standing to request a full hearing in front of COGCC to make their case. Such a lack of compromise has never happened. This is illustrated to prove the effectiveness of the LGD program that has been established by the COGCC.

In Colorado, oil and gas has provided over 1.6 billion dollars in direct local revenues to state and local governments and 111,000 direct and indirect jobs, many of which are in Brighton. These folks in the industry are friends, neighbors, customers and constituents. Mr. McGowne reviewed the specific concerns that were submitted to Council. Legal precedence was included stating many of their concerns of overlap with COGCC rules. They believe that these regulations as written are in direct conflict with the authority of the COGCC and will be preempted by the States rules. COGA looks forward to a continued dialogue and are available any time to discuss these concerns. COGA respectfully asks that Council delay first reading of this Ordinance until potential issues of preemption are addressed.

City Attorney Margaret Brubaker reported that she was contacted earlier today by a representative of COGA and also spoke with a member of the COGCC and indicated that the City would take their recommendations and comments into consideration before the final reading of the Ordinance. City Council has the right to defer any action tonight at first reading of the Ordinance remembering that the Ordinance will take two (2) meetings to be satisfied. Many of the concerns raised at this meeting have been raised elsewhere and are not a surprise to staff. The City staff is open to a meeting with both organizations to see what can be done to compromise on the language. It is important to recognize that the City does have police powers and does have Land Use powers. Every intention was made in the drafting of the Ordinance to try to coalesce not only with what the Commission wants, what the Operators have expressed, but also with the specific needs of the City. City Attorney Brubaker recommends that staff put together a proposal to be discussed with Council regarding any changes that may be made to the Ordinance.

Mayor McLean explained that he does not feel Council should read through the concerns [provided by COGA] this evening and explained that Council can take action at first reading and can make any final decisions at final reading.

Mayor McLean asked if there were questions from City Council, there was none.

Mayor Pro Tem Scott expressed his concern regarding the City's shallow wells and explained that he is unaware of another municipality in the State that relies on shallow wells for water. Mayor Pro Tem Scott asked the depth of the City's Wells. **Utilities Director Jim Landeck** reported that the wells are in the range of 65'. Mayor Pro Tem Scott expressed his concern that it would not take much of a spill to contaminate those shallow wells. The City has been good at looking forward and thinking of all of the issues that may come up and how they can be taken care of but there is a huge concern regarding the safety of the City's water. Although the City has added an Extraction Agreement to deal with certain issues, it is not guaranteed to happen because it is not written in the rules. Mayor Pro Tem Scott asked what the amount of one of the fluids that is used in this process would contaminate the City's water and make it unusable. Director Landeck explained that he has expressed his concern because most of the City's wells are located in an alluvium that is primarily granular (sandy) rock which is very porous in nature and consequently any surface spills could potentially contaminate those wells and is a serious concern. Director Landeck understands that one of the components of fracking is benzene and the contaminate level for benzene that would close the City's wells is a level of only five (5) parts per billion. It would not take a large spill from a transport vehicle, a containment system or a tank onsite leaking into that alluvium that could contaminate the City's groundwater supply and essentially eliminate the ability to use those wells.

Councilmember Rose asked how many wells can be lost before there is not enough water to service the City's population. **Utilities Director Jim Landeck** reported that the City cannot lose any wells; there are seven (7) wells currently in the South Platte Basin. As those wells are operated they are subject to mechanical failure which requires staff to shift the pumping demand to a backup well. The City regularly runs five (5) wells and has two (2) for backup. In the case of contamination where the wells may be located only 600' to 1000' apart, contamination could take place in more than one well very quickly and if there was a mechanical or operational failure on those wells the City would not be able to pump sufficient supplies to its citizens. Councilmember Rose asked if there was one particular area that the oil and gas wells could be placed that would be more susceptible to contaminating the wells. Director Landeck explained that generally the alluvium and the groundwater table flows to the north and west across Brighton, the seepage from Barr Lake flows north and westerly toward Downtown and does replace the flows in the wells even from that distance when the wells are located near the South Platte River in the western portion of the community. The only safe area to place the wells is down gradient from the water wells so the flows would not come uphill to contaminate the water wells. Councilmember Rose asked if it would be easily done to place the oil and gas wells to the north and west of the City's water wells. Director Landeck explained that it would not be easily done because as the City expands, the water well system will also be expanding and those growth opportunities are in the north and western areas.

Councilmember Bell thanked staff for the educational process that Council went through on this issue. Councilmember Bell acknowledged his colleagues' concerns regarding this issue and mentioned that not too long ago the City had to deal with the Rocky Mountain Arsenal and the water contamination that impacted other communities and the City is very zealous to protect its water. Councilmember Bell understands that the State does not want a checkerboard of regulations throughout its communities which impacts the developers. It is important to give time for the City Attorney to review and discuss with the State agencies to see if there are areas that a compromise can be reached.

Mayor McLean asked if Councilmember Bell is in favor of tabling this Ordinance and continuing negotiations.

Councilmember Bell explained that he is in favor of moving forward with the approval of the Ordinance as recommended by the City Attorney and working on negotiations with the State agencies before final reading.

Councilmember Martinez asked if the setbacks that the COGCC has in place would be added to the City of Brighton's setbacks. **Community Development Director Holly Prather** explained that the City's proposed setbacks match the setback requirements of the COGCC but the COGCC does have the right to grant a variance for the setbacks. If the COGCC does grant a variance, the City will also be required to grant that variance through its permitting process but the City can place conditions on that varied setback. **City Attorney Brubaker** reported that the specific provision is found at the bottom of page 7 in subparagraph 5 and reads *"If the required setbacks or compliance with spacing rules, regulations or orders makes it impossible for the applicant to meet the setbacks required herein, the applicant may not be required to fully meet the above described setbacks. Approval must first be obtained from the COGCC pursuant to Rule 502.b. before the applicant may seek relief from the City. The applicant shall, however, meet the setbacks to the maximum extent possible within the spacing regulations and may be required to implement special mitigation measures as described herein and specified in the Extraction Agreement between the Operator and the City"*. That means that there is a variance procedure that is allowed by the State if it is impossible for the Operator to conduct its business as it believes is possible, but the State and the City can place additional mitigation requirements and conditions on the permit. Councilmember Martinez asked about the well water sampling and monitoring and the City having the ability to require this if a citizen had a complaint about taste, Councilmember Martinez expressed her concern regarding the thirty (30) day timeframe for testing and a lot can go wrong in that timeframe. Councilmember Martinez also

expressed concern regarding the letter that was received from Mr. McGowne and would like an explanation regarding these issues.

Councilmember Wallin asked if there is a remediation timeline for the cleanup of a contaminated well. **Utilities Director Jim Landeck** explained that depending on the concentrations discovered in testing of the well it could be an extended period of time, up to dozens of years before levels were considered acceptable for consumption. The difficulty is that there are not many filter treatment, even RO which the City uses, that will remove benzene from a water supply which is one of many chemicals used in the well drilling process. Some of the chemicals used are proprietary and unknown so it is difficult to know what to test for when one cannot run general tests, a specific test must be run to know if there is contamination.

Motion by Councilmember Wallin, second by Councilmember Baca to go into Executive Session at 8:56 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding paperwork given to Council from COGA during the public hearing.

Voting aye: All present.

City Clerk Natalie Hoel gave the unofficial results from the City of Brighton Special Ward 4 Run-off Election, David E. Rose – 455 and Mark Humbert – 863.

Mayor McLean resumed the meeting at 9:23 p.m.

Mayor McLean closed the public hearing at 9:23 p.m.

1. **An Ordinance of the City Council of the City of Brighton Providing for the Repeal and Reenactment of Section 17-20-70, Oil and Gas of Article 17-20, Development Standards of the Land Use and Development Code of the Brighton Municipal Code; Requiring an Oil and Gas Permit for Oil and Gas Wells and Other Related Facilities Whether as a Use-by-Right or Conditional Use; Setting Forth Application Requirements, General Standards, Plans for Site Development, Environmental Protections, Control of Nuisances, Traffic Protections, Prohibited Facilities, Impact Fees, Financial Assurances, City Inspection, Appeals, Enforcement; and, Setting Forth Details Related to the Foregoing. (First Reading)**

Motion by Councilmember Wallin to approve the Ordinance the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: Mayor McLean, Councilmembers Baca, Bell, Edwards, Martinez, and Wallin.

Voting no: Mayor Pro Tem Scott and Councilmember Rose.

Motion passes.

2. **An Ordinance of the City Council Amending the Brighton Municipal Code Chapter 17. Land Use and Development Code, Amending Article 17-20-30. Fence and Site Triangles; Amending Article 17-20-100. Signs; Amending Article 17-24. Performance Standards to Add a New Section, Section 17-24-100 to be Titled, Tattoo and Body Piercing Establishments; Amending Article 17-32. Table of Uses; and, Setting Forth Details in Relation to the Foregoing. (First Reading)**

Motion by Councilmember Martinez to approve the Ordinance the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado Acknowledging the Completion of the Annual Review of the City Attorney for Calendar Year 2013; Setting the Compensation for the City Attorney; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Rose to approve Resolution 2013-131 as amended the title of which as read by Mayor McLean, **second by Councilmember Wallin.**

Councilmember Baca feels that it would be appropriate to have the effective date on the Resolution changed from January 1, 2014 retroactive back to the date that this item was discussed in October, 2013.

Voting aye: All present.

B. Planning Commission Appointments.

Mayor McLean read the title of Items 8B(1) and 8B(2) into the record.

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Fidel Balderas as a Member of the Brighton Planning Commission with a Term to January, 2018.**

Motion by Councilmember Bell to approve Resolution 2013-132 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Farid Jalil as a Member of the Brighton Planning Commission with a Term to January, 2018.**

Motion by Councilmember Wallin to approve Resolution 2013-133 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

C. Parks and Recreation Advisory Board and Bike Brighton Sub-Committee Appointments.

- 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing John Kasza as a Member of the Brighton Parks and Recreation Advisory Board and Bike Brighton Sub-Committee with a Term to January, 2018.**

Mayor McLean read the title of the Resolution into the record.

Motion by Mayor Pro Tem Scott to approve Resolution 2013-134 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Current Member of the Brighton Parks and Recreation Advisory Board Kathryn Tolison to the Bike Brighton Sub-Committee with a Term to August, 2016.**

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Rose to approve Resolution 2013-135 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

- A. An Ordinance of the City Council of the City of Brighton, Colorado, Amending Title 13 of the Brighton Municipal Code Pertaining to Water, Wastewater and Storm Drainage Fees and Charges Assessed by the City of Brighton; Setting Forth Effective Dates for said Rates, Fees and Charges; and, Other Details Related Thereto. (First Reading)**

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel introduced Utilities Director Jim Landeck.

Utilities Director Jim Landeck explained that the Utility Business Plan that was previously presented reviewed the function, purpose and sustainability of the utility system. One of the recommendations that came from the Plan was the consideration of completing a rate study in the first half of 2014. While working on the 2014 budget it was clear that a modest increase in rates would be necessary to fund the operation and maintenance of the utility system into 2014 until the rate study could be completed. The goal of the Business Plan is to show the community that operating a water, sewer and storm drainage system is a stand-alone function of the operation of the City and must generate its own revenue to sustain itself and maintain the infrastructure long-term. The funding in the 2014 budget will help to place necessary band aids to keep the system operational until more information is received regarding the revenue necessary to fully operate and maintain the system. This presentation represents a short term solution to funding the operation into 2014, this rate increase does not have sufficient revenues to replace capital infrastructure in the community.

Staff recently used a process of relining some of the water pipes to avoid the major capital construction costs of removal and replacement. This opportunity to rehabilitate an existing waterline on South 2nd Avenue came up at a significant cost savings. As part of the rate proposal and the Business Plan staff continues to find cost effective solutions to these issues. This relining process is still being evaluated but staff hopes this will keep the water line in operation for twenty-five (25) years.

Staff is proposing a modest increase in the monthly water fixed charge of \$0.62 per month from \$12.36 to \$12.98. The base user fee will increase by 5% from \$4.25 to \$4.46. These increases will generate approximately \$308,000.00 which is not a lot when considering the cost of chemicals, power, maintenance and fixing breaks. The City's proposed flat rate fee for water is in the middle compared to surrounding communities. There is a varying assortment of rates and charges that other communities use to balance their budgets, some are higher on fixed rates and lower on user fees. While comparing overall operation costs, the City is probably spending an equivalent amount of money but the revenue is received in a different way. The City has a lower flat rate and a higher user

fee compared to surrounding communities. The proposed user fee tended to be on the higher side; and the current practice of charging the same user fee for the first 5000 gallons as is charged for the second tier for the 6000 to 25,000 gallons -- this is something that will be looked at in the 2014 rate study. This concept can be looked at in regards to water conservation that is, charging a higher rate for higher volume use.

The wastewater system rate adjustment being proposed is a required and scheduled increase for the City's buy in to the new Metro Wastewater Reclamation Plant being built at Highway 85 and WCR 2. Staff is recommending a \$1.00 increase in the fixed charge per month; on the user fee side staff believes it can continue to operate at the current rate of \$4.24 into 2014 until there is a more in depth rate evaluation. There is a net total showing a surplus on the wastewater side and staff hopes to use this for major capital replacement and the required buy in to the Metro system. There is considerable variation in the flat rate and user fee comparisons with surrounding communities. Brighton is on the low end for fixed rates for wastewater and in the upper half of the rates for user fees.

A storm drainage fee was adopted to deal with the Federal mandate to discharge clean water to the river and as that mandate continues to require more activity, monitoring and quality control, the City's operating costs will increase. The surrounding community governments are establishing rates for this same reason. Brighton's proposed fee is still one of the lowest in the area. The debris that is collected off of the streets and parks systems is something that cannot be allowed to get to the river. The costs can be kept lower if the residents would be more conscientious to keep debris out of the storm drainage system. Staff is proposing an increase to \$2.12 for the storm water fee.

The average impacts to customers with the proposed fees are as follows: a typical senior using 3,000 to 4,000 gallons will see an increase of approximately \$2.13 per month; an average family with two (2) kids using 12,000 gallons will see an increase of approximately \$4.45 per month; an apartment building or commercial building (20 units) with a monthly usage of 86,000 to 90,000 gallons will see an increase of approximately \$33.88 per month or a little over \$1.50 per unit per month.

Staff continues to make every effort to mitigate the need for these rate increases by promoting conservation and programs to minimize the consumption of water. The City will continue the appliance rebate program and an irrigation calendar will be sent out. Audits will be performed at the request of residents, water conservation kits will be distributed and loss detection efforts will be used when necessary. The landscape standards and policies will continue to be reviewed by staff along with vegetation requirements for existing and new development. Staff will look at expanding the non-potable water supply and opportunities that may come along with additional growth and development. At Council's direction staff will begin to collect water use fees from new parks projects. Staff will work on a 'round-up' assistance program to help families with hardships to assist them with their water bills. Another review of the Business Plan will be brought before Council looking at other opportunities for conservation and rate and fee changes. Director Landeck answered questions from Council regarding:

- The flat fee in Lochbuie including trash pickup.
- Most cities having similar issues with storm drainage debris.
- Preventative measures that can be taken to keep debris out of the storm drains.
- The amount of revenue this increase will generate for the Utility Department.
- The City having 30% reserves in the Utility Fund.
- Keeping leaves out of the gutters being helpful to the storm water system.
- The credit card fee being absorbed by the City.
- It being advantageous for residents to pay their bills with cash or checks.
- The 2014 rate study addressing the need for future water acquisitions and including different options for the City regarding its Utility system.
- Continuing with the twice per week watering schedule in 2014.

Motion by Mayor Pro Tem Scott to approve the Ordinance the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

Resolutions

B. A Resolution of the City Council of the City of Brighton, Colorado, Approving the First Amendment to that Certain Purchase and Sale Agreement, Between the City of Brighton (“City”) and Ready Mixed Concrete Company (“Company”), and Authorizing the Mayor to Execute the First Amendment for and on Behalf of the City, and Authorizing the City Manager or His Designees to Carry Out and Close the First Amendment According to its Terms.

Mayor McLean read the title of the Resolution into the record.

Utilities Director Jim Landeck reported that this is an amendment to a Purchase and Sale Agreement that was entered into several years ago with Ready Mixed Concrete Company. The arrangement of the first Agreement was to acquire the southern portion of Cell 3, which is the southern portion of their mining site and is Lot 1 of the Bromley Lakes subdivision. The Agreement contemplated that it would take until December, 2015 to complete the mining of that area but they have moved well ahead of schedule and will complete the mining two (2) years early.

Staff has been discussing an opportunity with Metro Wastewater that was created by the construction plans for their South Platte interceptor that would run along the west side of Erger’s Pond and Cell 1 down to the southwest corner of Cell 1 and then cross the river. Metro would benefit from the dewatering of Cell 1 and keeping Erger’s Pond dry during the construction of their interceptor, thereby reducing their dewatering costs. Realizing that the City was looking at dewatering Cell 1 into Erger’s Pond in order to clean out Cell 1, removing the land bridge and finally having Cell 1 operational, it was determined that there was a way for both parties to work together for the benefit of all.

Staff arranged an IGA with Metro to pump the water into Cell 3 thinking that there were an additional two (2) years of mining, it was arranged with Ready Mixed to halt mining and move to an area to the east while the City temporarily stored water in Cell 3. Because Ready Mixed was mining well ahead of schedule there was an opportunity to finish Cell 3 by January 1, 2014. That would mean that Cell 3 would not have to be pumped out again and the City would have a fully functional storage vessel for augmentation purposes. Augmentation water is essential to surviving long periods of drought to augment the City’s wells and provide that additional pumping capacity needed for situations of sudden growth. There is currently capacity in the wells, but not capacity for augmentation water to replace that which is lost in the consumptive treatment process. Augmentation for Brighton is a critical component of the water system. Prior to the development of these lakes there was only 1000 acre ft of augmentation storage in the system which is located at 124th and Highway 85. With the completion of Cells 1 and 3 that capacity increases by almost 5000 acre ft. and with Erger’s Pond it increases by another 1850 acre ft. The completion of storage provides the long term assurance for the augmentation storage to be increased for long periods of drought.

The purpose for this amendment is to recognize that mining of this reservoir is going to finish two (2) years early and to accelerate the closing on the reservoir and the purchase of the storage in Lot 1, as the City currently owns the storage in Cell 3. This can all happen two (2) years early while at the same time preparing the vessel to move water from Cell 1 to Cell 3 in conjunction with the Metro South Platte interceptor project. The amendment to the Purchase and Sale Agreement would move the closing into escrow by February 5, 2014, with a final closing after approval of the reclamation of the restoration of Cell 3 by the end of June, 2014. This will allow the City to begin storage of water from

Cell 1 into Cell 3 by January 1, 2014. Ready Mixed has agreed to complete the work so the deadline of January 1st can be met by the City and therefore satisfy an amended IGA with Metro. There are also some conditions in the amendment regarding use of some equipment for pumping and dewatering Cell 1 but the majority of the amendment is directed toward the early closing and final purchase of storage. Director Landeck answered questions from Council regarding:

- How the dewatering of Cell 1 affects the removal of the land bridge and the schedule for completion that was given residents in Platte River Ranch.

Motion by Councilmember Wallin to approve Resolution 2013-137 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Mayor Pro Tem Scott expressed his appreciation for Ready Mixed Concrete Company and the work they have done for the City.

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado Approving the Amended and Restated Intergovernmental Agreement (Pumping) with the Metro Wastewater Reclamation District and Authorizing the Mayor to Sign the Amended and Restated Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

Utilities Director Jim Landeck reported that this is a companion document to the Resolution approving the Amendment to the Purchase and Sale Agreement regarding Cell 3 storage and completion. This amended and reinstated IGA with Metro Sewer provides for an opportunity to allow a delay in the delivery of Cell 1 water to Cell 3, giving staff time to complete the reservoir. The first contingency to this amendment of the terms in the IGA is that the previous agreement be approved. The second term is that the City of Brighton will ensure that Lot 1, Cell 3 is ready to receive water by January 1, 2014; Ready Mixed is running equipment to assure that Cell 3 will be ready in time. There is a damages provision in the IGA that if the City is unable to meet the deadline of January 1, 2014 the City is obligated to accept a \$15,000.00 a day reduction in the reimbursement fund offered in the first agreement for the first fifteen (15) days and it will increase after that to \$40,000.00 per day.

Metro has requested permission to dewater Cell 1 to Cell 3 using electric pumps 24/7 and has submitted an application requesting an amendment to the Conditional Use Permit to allow this to occur. As part of the transfer Metro is required to meter both the intake from Cell 1 and the discharge into Cell 3, each drop of the augmentation water must be accounted for with the State Engineer's Office. If there are losses or failures in the pumping system where a pipe would burst or there would be leakage, any loss of water would be reimbursed to Brighton by Metro at \$1,000.00 per acre ft. Upon completion of the pumping of the water from Cell 1 to Cell 3 Metro has agreed to leave in place approximately 6,000 ft of 16" diameter pipe and 2,000 ft of 24" pipe. The reimbursement provisions of the IGA initially provided for reimbursement of up to 1.8 million dollars for the City's work in the Ken Mitchell Lakes area that would accommodate the augmentation and the project for Metro; that would be a reimbursement of the City's out of pocket costs. This amendment reduces the reimbursement to 1.164 million dollars, which includes a major reduction of over \$300,000.00 for pump back costs from Cell 3 to Cell 1. This is a great opportunity for both parties and a lot of work went into the negotiations. Director Landeck thanked the City Attorney's Office for all of their work during these negotiations. The Metro Board approved this Agreement earlier today. Director Landeck answered questions from Council regarding:

- The pumps disturbing anyone in the subdivision.

Motion by Councilmember Martinez to approve Resolution 2013-136 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

10. GENERAL BUSINESS

A. Cancel the December 24th and December 31st Study Session Meetings.

Motion by Councilmember Wallin to cancel the December 24th and December 31st Study Session Meetings, **second by Councilmember Baca.**

Voting aye: All present.

11. REPORTS

A. By the Mayor – No report.

B. By Department Heads – Fleets and Street Director Joe Smith reported on the snow conditions and the work being done on the streets so far.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reminded City Council that the Employee Awards Luncheon is tomorrow at 11:00 a.m. City Manager Esquibel told City Council that the afternoon session at the Armory with Richard Rodriguez was filmed.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Rose reported that there will be a show and open studio tour on Friday from 4:00 to 7:30 p.m. at Main Street Creatives and Almost Home will have their Holiday party fundraiser on Monday from 6:00 p.m. to 8:00 p.m. at Platte Valley Medical Center.

Councilmember Martinez reported that the Manor residents have moved into Libretto and there will be a ribbon cutting on December 18, 2013. There is a Housing Resource Fair scheduled at 8:00 a.m. tomorrow at the Armory for anyone needing assistance and the Section 8 lottery enrollment.

Councilmember Baca reported that the Parks and Recreation Advisory Board meeting scheduled for tomorrow has been canceled. Councilmember Baca thanked staff for their hard work on the Christmas lights.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Mayor Pro Tem Scott to adjourn at 10:50 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

PLANNING DIVISION STAFF REPORT

To:	Mayor and City Council through City Manager, Manuel Esquibel
Prepared By:	Holly Prather, AICP, Community Development Director
Reviewed By:	Marv Falconburg, AICP, Assistant City Manager of Development
Date of Hearing:	December 3, 2013
Requested Action:	Hold a Public Hearing and Review and Consider Ordinances to Amend the Municipal Code, Chapter 17. Land Use and Development Code.

PURPOSE

The City Council reviews and considers amendments to the Land Use Regulations (Chapter 17) of the Brighton Municipal Code via the public hearing process (with a fifteen (15) day publication) and renders its decision via ordinance at a first and second reading.

BACKGROUND

The Colorado Oil and Gas Commission (COGCC), a division of the Colorado Department of Natural Resources, spent 2012 and 2013 undertaking two major efforts: the “Groundwater Rules”, which became effective May 1st and the “Setback Rules”, which became effective August 1st.

The City of Brighton’s Municipal Code, Chapter 17, titled as, *Land Use and Development Code* includes a section on oil and gas wells (Article 17-20-70). This section of the Code was last amended by the City Council’s approval of updated regulations from the city attorney’s office in 2005 to align with the state’s oil and gas regulations that were in effect at that time. With the increase in oil and gas development in the State, the City Manager arranged for the City Council to receive input from various entities and individuals that presented at study sessions over the past year and a half, in order to get a comprehensive and balanced perspective of the current status of oil and gas development around the State. *(Please see the attached memos and PowerPoint presentations for additional detail on the documents that have been previously provided.)* Following such information gathering, the City Council directed that, the City’s oil and gas regulations should be updated to acknowledge new regulations adopted by the COGCC, generally, and to incorporate regulations to address Brighton, in particular. Therefore, the city attorney’s office prepared new draft regulations for this section of the Municipal Code and reviewed those proposed regulations with the City Council at several study sessions over the past several months.

Along with the oil and gas regulations Code amendment, the City Council directed staff to prepare an amendment to the Tabulation of Uses regarding Tattoo and/or Body Piercing Establishments and to draft performance criteria related to the operation of this type of business. This Code amendment, along with some other minor clean-up items, has been included in this Code amendment package. Please see the “Summary of Proposed Amendments” section of this memo for further details on all of the proposed code amendments.

SUMMARY OF PROPOSED AMENDMENTS

Oil and Gas Regulations:

The COGCC promulgated the new “Groundwater Rules” in an effort to “gather baseline water quality data prior to oil and gas development occurring in a particular area, and to gather additional data after

drilling and completion operations. The water quality data generated under the rules will be publicly available on the Commission's web site. Acquiring this data and making it publicly available will inform relevant stakeholders, including public officials, of baseline groundwater quality, and may aid in early detection of any adverse impacts related to oil and gas activity. Similarly, the sampling program may identify existing groundwater contaminants, which can then be properly treated."

The new "Setback Rules" were created by the COGCC to "protect the safety and welfare of the general public from environmental and nuisance impacts resulting from oil and gas development in Colorado, including spills, odors, noise, dust, and lighting."

According to the COGCC website, the "Setback Rules" are "intended to require Operators to eliminate, minimize, or mitigate the impacts of oil and gas operations conducted in Designated Setback Locations by utilizing technically feasible and economically practicable protective measures. Requiring oil and gas operations to be located a greater distance away from occupied buildings is one type of protective measure. However, increasing the minimum setback distance has implications for, and can adversely affect, mineral owners' property rights, existing and planned surface uses, contractual rights and obligations, and technical and economic considerations. Mindful of these potential implications, the Commission opted to increase the existing setback distances of 350 feet in High Density Areas and 150 feet elsewhere to a uniform 500 feet statewide, and to impose technically advanced best management practices and protective measures to eliminate, minimize or mitigate potential nuisances and other adverse impacts for all Oil and Gas Locations within 1,000 feet of occupied buildings. In addition, Oil and Gas Locations may not be located within 1,000 feet of specified "High Occupancy Buildings," including schools, day care centers, hospitals, nursing homes, and correctional facilities, without Commission approval following a public hearing, and such approval will be contingent on extensive mitigation measures.

The Commission also has adopted Rules that will enhance notice to and communication with Building Unit owners within 1,000 feet of oil and gas operations, and will increase opportunities for local government representatives, including Local Governmental Designees ("LGDs"), to review and comment on new Oil and Gas Locations proposed within their jurisdictions. As development expands into more urbanized areas, engaging nearby residents is increasingly important. It has been Commission Staff's experience that communicating with persons who live or work near drilling operations before those operations begin is an effective means of addressing concerns about what will occur, how long it will take, and what measures will be taken to eliminate, minimize, or mitigate potential nuisances and adverse impacts. The Commission believes these Rules establish a regulatory framework that protects communities and the environment surrounding oil and gas activities while preserving reasonable access to the mineral estate throughout the state.

These Setback Rules are not intended to alter, impair, or negate local governmental authority to regulate matters of local concern, including land use, related to oil and gas operations, or to regulate matters of mixed local and state concern provided such local regulations are not in operational conflict with these Rules."

The regulations that the city attorney's office has drafted are intended to complement the COGCC regulations, while balancing and addressing those matters that are unique and specific to Brighton. In general, the ordinance sets forth a comprehensive application process, addresses such local interest site development matters as visual mitigation, fencing, landscaping, lighting, inspections, and signs and markers, as well as items such as well water sampling and monitoring, environmental, air emissions, noise, nuisance, drainage and stormwater, flood control, and traffic impacts. Recognizing that each application will bring its own set of unique circumstances, the regulations require and will rely upon an Extraction Agreement for each application.

Tattoo and Body Piercing:

In the fall of 2012, a small business owner attended a City Council meeting to express his concerns regarding his ability to move the location of his tattoo shop into Downtown. At that time, City Council gave staff direction to move forward with performing research on the issue when staff was addressing other items of the *Land Use and Development Code*. The City Council had numerous study sessions regarding oil and gas and staff folded the tattoo and body piercing amendments in with these regulations as previously directed by City Council.

The current *Land Use and Development Code* allows “Tattoo and Body Piercing Establishments” via the conditional use process in the I-1 (Light Industrial), MU-CC (Mixed Use Commercial Center) and MU-R/EC (Mixed Use Regional/Employment Center) zone districts. Over the years, the City has received inquiries from potential tattoo shop owners as to acceptable locations within the DT (Downtown) and commercial zone districts; naturally, they were informed that the use was not allowed in these zone districts. The most recent inquiry was the gentlemen who approached the City Council regarding the matter last fall. The business was operating at a location on South Main Street (zoned I-1 and had been approved by the Council via the conditional use process) and he was looking to relocate after his lease expired to a location in the downtown area.

When performing Code amendments, especially as it relates to amendments of the Table of Uses, staff begins by researching how other municipalities, in this case, Adams County, Arvada, Aurora, Broomfield, Commerce City, Northglenn and Westminster, address the same use. Generally, staff found that most municipalities allow tattoo shops as a permitted use (aka use-by-right) in their commercial zone districts and in some communities, in their industrial zone districts as well. Staff brought this information to the City Council at a study session held in January, at which time, Council gave staff direction to bring back amendments to the Code to allow tattoo and body piercing establishments in additional zone districts: to allow the establishments as a use-by-right primarily in the community and regional commercial zone districts (i.e., C-2, C-3 and DT) and to include performance standards to ensure compliance with health codes and state laws pertaining to the operation of these establishments. Thereby, staff amended the Table of Uses (Section 4 of the Miscellaneous Code Clean-up Ordinance) and created a new section of performance standards titled *Tattoo and Body Piercing Establishments* (Section 3 of the Miscellaneous Code Clean-up Ordinance) to address those items not currently addressed by the state regulations and to address local concerns.

Miscellaneous Clean-Up Amendments:

Below is a chart listing the section of the Municipal Code, issue, Code amendment summary and location of the amendment in the draft Miscellaneous Code Clean-up Ordinance for all of the miscellaneous “clean-up” Code amendment items that City staff has noted as necessary when applying the Code.

Proposed Clean-Up Code Amendments			
Code Section	Issue	Amendment Summary	Ordinance Reference
17-32-30, Table of uses	The zone district regulations for the South 4 th Avenue Overlay encourage the mixing of residential and commercial uses within the same structure; however, Live/Work units under the Table of Uses doesn’t allow	Revised the Table of Uses to allow Live/Work units in the South 4 th Avenue Gateway and Corridor areas as uses-by-right.	Section 4

	for this use in this zone district.		
17-20-100, Signs, l (3)	Language from previous Code amendment only revised in one section; however, language is in two separate sections.	Revised spacing to 250' to match another section h (1) of the sign code.	Section 2
Section 17-20-100, Signs, (p) City-Owned or Licensed Sign Plaza Programs	Revised language within the section to match the intent of the original drafting of the regulations.	The original intent was to provide for additional regulations through a license agreement approved by the City Council, not through an additional Code amendment.	Section 2
Section 17-20-30, Fence and Sight Triangles	The Engineering Division is concerned with the current sight triangle language and Chart A, and does not believe it adequately protects the health, safety or welfare of the residents.	The existing "Chart A" document shall be deleted in its entirety and replaced with Chart A-1 (sight triangles at unsignalized intersections) and Chart A-2 (sight triangles at signalized intersections).	Section 1

City staff will provide additional background information and rationale for the proposed Code amendments at the public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the draft Code amendments at a public hearing held on October 22, 2013 and recommended approval of the draft Code amendments to the City Council.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:

- **Comprehensive Plan**

OPTIONS FOR COUNCIL'S CONSIDERATION:

1. Approve the Code Amendments in whole or in part.
2. Continue the hearing on the Code Amendments.
3. Deny the Code Amendment with specific findings to justify the denial.

STAFF'S FINDINGS:

- **The proposed Code amendments comply with the intent of the City of Brighton's 2020 Comprehensive Plan.**

ATTACHMENTS:

- (Draft) Ordinance (Oil and Gas Regulations)
- (Draft) Ordinance with insert (Miscellaneous Clean-up Amendments)
- Copies of PowerPoints from various presenters and city staff
- Copies of Staff Study Session memos

Land Use and Development Code Amendments

City Council
December 3, 2013

EXHIBIT B



Request:

- ▶ Review at a public hearing and consider at first reading, an amendment to the *Land Use and Development Code* regarding the oil and gas regulations, table of uses, performance standards (tattoo and body art establishments) and development standards (signs, fences and sight triangles).
- ▶ Code amendments have been drafted into two separate ordinances for future amendments.



Proposed Code Amendments:

- ▶ Allow tattoo and body art establishments as a UBR in DT, C-2, C-3 and I-1 zone districts.
- ▶ Create performance standards related to the operation of tattoo and body art establishments.
- ▶ Revise table of uses to allow as a UBR Live/Work units in the South 4th Avenue Overlay.



Proposed Code Amendments:

- ▶ Revise monument signs from 500' separation to 250'.
- ▶ Remove language and chart regarding sight triangles and replace with new charts and language to better protect health, safety and welfare of residents.



Oil & Gas Code Amendments:

- ▶ Last update was performed in 2005.
- ▶ Purpose of proposed code amendment is to be consistent with Colorado Oil and Gas Conservation Commission (COGCC) regulations, especially in regards to new setback and groundwater rules.
- ▶ Establish regulations that will protect our community's interests.



Oil & Gas Code Amendments:

City Council has been studying issues surrounding oil and gas and has had the following persons present information to them:

- ▶ William Fleckenstein P.E., PhD – Colorado School of Mines Professor: “Best practices in Hydraulic fracturing”
- ▶ Sarah Landry – Colorado Oil & Gas Association: “Moving beyond misinformation – education and engagement”
- ▶ Abel Montoya – Adams County Planning & Development Director: “Oil and Gas drilling in Adams and Arapahoe County”



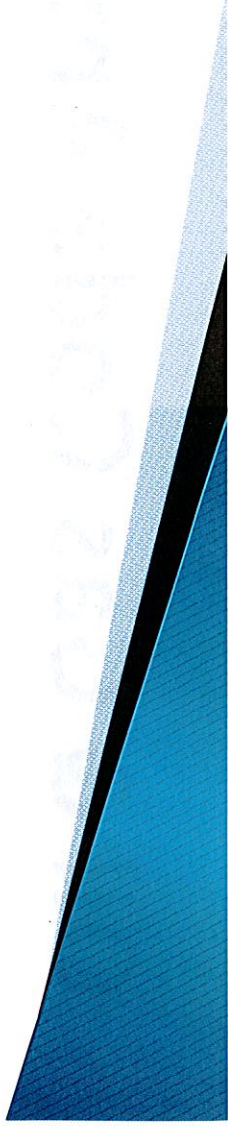
Oil & Gas Code Amendments:

- ▶ Weld County Staff: “Weld County Niobrara oil and gas development”
- ▶ Altus Environmental – “Oil and gas development environmental issues”
- ▶ Greeley Staff – “Oil and gas development review and regulations”
- ▶ Patricia Silverstein – Development Research Partners: “Economic and fiscal impacts of the oil and gas industry in Adams and Weld Counties”
- ▶ Geoff Wilson – CML Attorney: “Reporting on status of state task force on cooperative strategies regarding state and local regulation of oil and gas development, policies and protocol recommendations”



Summary of Oil & Gas Ordinance:

- ▶ Purpose
- ▶ Applicability
- ▶ Definitions



Summary of Oil & Gas Ordinance:

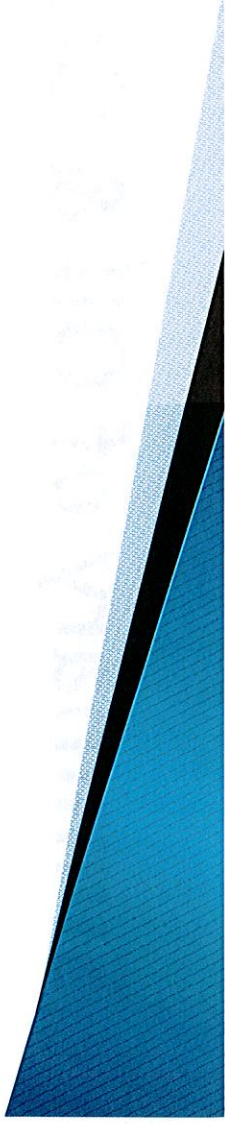
Well and Production Facility Setbacks:

- ▶ Buffer Zone Setback
- ▶ Exception Zone Setback
- ▶ High Occupancy Buildings
- ▶ Designated Outside Activity Areas
- ▶ COGCC waiver of setbacks



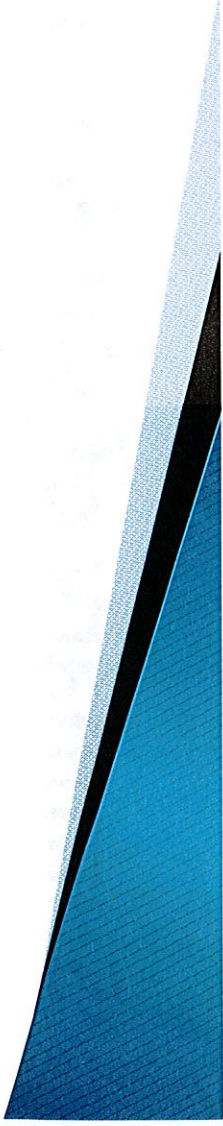
Summary of Oil & Gas Ordinance:

- ▶ Well Water Sampling and Monitoring
- ▶ Permit Required
- ▶ Public Ratification Process
- ▶ Third Party Technical Review



Summary of Oil & Gas Ordinance:

- ▶ Extraction Agreement Required
- ▶ Site Development
 - (1) Visual Mitigation
 - (2) Fencing
 - (3) Landscaping
 - (4) Lighting
 - (5) Signs and Markers



Summary of Oil & Gas Ordinance:

(6) Environmental

- a. Flood Plain Restrictions
- b. Compliance With Other Environmental Requirements
- c. Noise Impacts and Mitigation
- d. Special Mitigation Matters
- e. Visual Impacts and Mitigation
- f. Safety Impacts and Mitigation
- g. Wildlife Impacts and Mitigation
- h. Vegetation



Summary of Oil & Gas Ordinance:

(6) Environmental (continued)

- i. General Waste Management
- j. Drainage and Stormwater Management
- k. Nuisances
- l. Traffic Extraction Agreement Required

(7) Pipelines

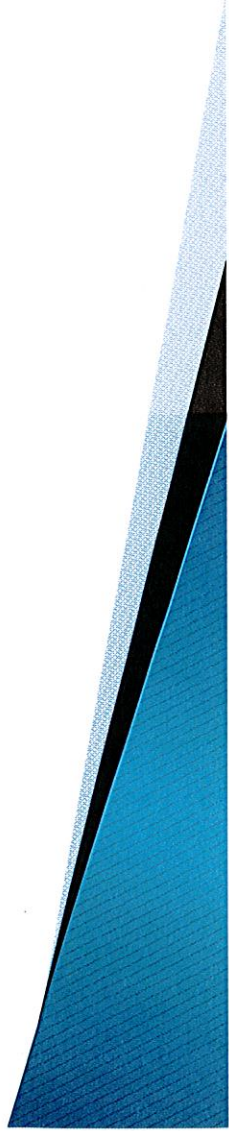


Summary of Oil & Gas Ordinance:

- ▶ Prohibition
- ▶ Abandonment and Plugging
- ▶ Impact Fees
- ▶ Recordation of Flow Lines
- ▶ Financial Assurances
- ▶ Inspections by City
- ▶ Appeals / Noncompliance
- ▶ Enforcement and Penalties
- ▶ No Permit Approval Pending Enforcement Action
- ▶ Other Oil and Gas Operations – Seismic Operations



Questions?



**City Council
Agenda Item
2F**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON DECEMBER 17, 2013.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Rose led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Scott, Councilmembers Baca, Bell, Edwards, Martinez, Maslanik, Rose and Wallin.

Councilmember Edwards arrived at 7:41 p.m.

2. CONSENT AGENDA

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Councilmember Martinez to approve the Regular Agenda as presented, **second by Councilmember Rose.**

Voting aye: All present.

4. CEREMONIES

A. Proclamation for Leland “Jack” Lockett Day in Honor of his 100th Birthday.

Mayor McLean read the Proclamation into the record and presented the Proclamation to Mr. Lockett.

Motion by Councilmember Rose, second by Councilmember Maslanik to approve the Proclamation.

Voting aye: All present.

Mr. Lockett thanked City Council.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Jerry Anderson, 14605 Sable Boulevard, Brighton. Mr. Anderson expressed his concern regarding trash that is dumped along the road and in his neighbor’s yards and asked if the City can help to remove the debris.

6. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. Arnheim Property Annexation and Zoning.

- 1. An Ordinance of the City Council of the City of Brighton, Colorado, Annexing to the City of Brighton Approximately 19.44 Acres of Contiguous Unincorporated Territory Generally Located Within the Northeast Quarter of Section 30, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado. (Final Reading)**

Mayor McLean read the title of the Ordinance into the record.

City Manager Manuel Esquibel introduced Community Development Director Holly Prather.

Community Development Director Holly Prather explained that this property is approximately 19.44 acres, the owner and applicant is Arnheim LLC represented by John Turner, Manager. The property is located along north Main Street (WCR 27) and it is currently addressed as 1571 and 1575 WCR 27. The original public hearing for the annexation and zoning was reviewed in December, 2012 and the annexation terms have been negotiated since that time. The Comprehensive Plan designates this property as appropriate for Employment Uses including Light Industrial, some limited Commercial and is also designated as being in the Brighton Employment Area. The surrounding areas to the north, south and west are also designated as appropriate for Employment Uses and to the east is Employment and Industrial, the Vestas site.

The property to be annexed is 17.29% contiguous with City limits, which meets the requirements of the State Statutes and water and sewer connections are available in North Main Street. The Annexation Agreement calls out future right-of-way dedication for north Main Street; this will be a modified minor arterial. The City's standard minor arterial is 110' ft of right-of-way, but in this area due to the size and depth of some of the properties, the proximity to the railroad and the feasibility of putting in a 16' wide median when this is an Employment Area with large truck traffic needing larger turning radii, a modified minor arterial was required at this location. 10' ft of right-of-way will be dedicated along this property at the time that the property is subdivided and a Development Agreement is completed, but it is noted in the Annexation Agreement that this dedication will be required. The Annexation Agreement also sets forth the existing uses which are allowed to continue and notes the proposed zoning of the property which is I-1 (Light Industrial) and that any future development on the property would have to conform to the I-1 regulations. There will also be a 10' wide trail along the eastern portion of the property (west side of Main Street); this is part of the modified minor arterial. Typically a minor arterial calls for a trail on both sides but it is too difficult to get the trail on the east side with the railroad right-of-way, so there will be only one (1) trail on the west side.

Staff recommends approval of the annexation based on the following findings: the annexation complies with the Colorado Revised Statutes and the annexation complies with the City of Brighton 2020 Comprehensive Plan. Therefore staff recommends approval of the Annexation Ordinance and the Resolution approving the Annexation Agreement.

The existing zoning is Weld County Agricultural and the request is to re-zone the property I-1 (Light Industrial). The application meets the City of Brighton's Code Section 17-8-80.5 which outlines the criteria for rezoning. The zoning complies with the Comprehensive Plan and other Master Plans of the City, complies with the requirements of the Land Use and Development Code and with the proposed zone district. The zoning provides consistency with the purpose and intent of the Land Use and Development Code and provides compatibility with the surrounding area is harmonious with the character of the neighborhood and is not detrimental to the immediate area, future development of the area or to the health, safety or welfare of the inhabitants of the City.

Staff recommends approval of the final reading of the proposed zoning of the Arnheim property of I-1.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Director Prather answered questions from Council regarding:

- This property being located in the Urban Renewal Area.

Motion by Councilmember Bell to approve Ordinance 2164 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

2. **A Resolution of the City Council of the City of Brighton, Colorado, Approving the Arnheim Annexation Agreement for the Approximate 19.44 Acre Parcel, Generally Located Within the Northeast Quarter of Section 30, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado.**

Mayor McLean read the title of the Resolution into the record.

Mayor McLean asked if there were any comments from the audience on this Resolution, there were none.

Motion by Councilmember Maslanik to approve Resolution 2013-138 the title of which as read by Mayor McLean, **second by Councilmember Wallin.**

Director Prather answered questions from Council regarding:

- There being room for a bike lane on this road.

Voting aye: All present.

3. **An Ordinance of the City Council of the City of Brighton, Colorado, Approving a Zone Change from a Weld County Zoning Designation of Agricultural (A) to a City of Brighton Zoning Designation of Light Industrial (I-1) for the Approximate 19.44 Acre Parcel, for the Property Known as the Arnheim Property, Generally Located Within the Northeast Quarter of Section 30, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado. (Final Reading)**

Mayor McLean read the title of the Ordinance into the record.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Wallin to approve Ordinance 2165 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

7. ORDINANCES FOR FINAL CONSIDERATION

- A. **An Ordinance of the City Council Amending the Brighton Municipal Code Chapter 17. Land Use and Development Code, Amending Article 17-20-30. Fence and Sight Triangles; Amending Article 17-20-100. Signs; Amending Article 17-24. Performance Standards to add a New Section, Section 17-24-100 to be Titled, Tattoo and Body Piercing**

Establishments; Amending Article 17-32. Table of Uses; and, Setting Forth Details in Relation to the Foregoing.

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel explained that this is the final reading of this Ordinance and there have not been any changes since first reading.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Baca to approve Ordinance 2166 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

B. An Ordinance of the City Council of the City of Brighton Providing for the Repeal and Reenactment of Section 17-20-70, Oil and Gas of Article 17-20, Development Standards of the Land Use and Development Code of the Brighton Municipal Code; Requiring an Oil and Gas Permit for Oil and Gas Wells and Other Related Facilities Whether as a Use-by-Right or Conditional Use; Setting Forth Application Requirements, General Standards, Plans for Site Development, Environmental Protections, Control of Nuisances, Traffic Protections, Prohibited Facilities, Impact Fees, Financial Assurances, City Inspection, Appeals, Enforcement; and, Setting Forth Details Related to the Foregoing.

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel referred this item to City Attorney Christopher Ernst.

City Attorney Christopher Ernst explained that since the first reading of this Ordinance and at Council's direction the City Attorney's Office, the Community Development Director and the City Manager's Office have conducted meetings with the Colorado Oil and Gas Conservation Commission (COGCC) and the Attorney General's Office. There was also a meeting held with the Colorado Oil and Gas Association which is an industry group that has provided correspondence to the Council. The meeting with the COGCC and the Attorney General's Office was a favorable meeting. The Attorney General proposed the concept of an IGA between the City and the State Department of Natural Resources to address the City of Brighton's particular concerns and provide some additional safeguards and notice opportunities to the City specifically related to the City's concern about the municipal water supply. There is also an opportunity for expanding the Local Government Designee status to include the City's Water and Sewer Enterprise and to define the boundaries of the Enterprise's service area. Based largely on this meeting it is the City Attorney's recommendation that further consideration of the present Ordinance should be postponed indefinitely with the goal that this matter is revisited early in 2014 after there is a chance to further explore the IGA opportunities and the expanded LGD opportunities. City Council Rule 4G allows the Council to postpone indefinitely further consideration of this Ordinance.

City Manager Esquibel answered questions from Council regarding:

- The entire process regarding the Oil and Gas regulations starting over in 2014.

Motion by Mayor Pro Tem Scott to postpone final reading of the Ordinance indefinitely, **second by Councilmember Wallin.**

Voting aye: All present.

8. RESOLUTIONS

A. Resolution Changing and Ratifying Certain Fees and Charges Assessed by the City of Brighton.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Budget and Policy Director Bernadette Kimmey.

Budget and Policy Director Bernadette Kimmey reported that the 2014 Fee Resolution establishes fees charged to the public based on the cost to providing those services. The Fee Resolution is updated annually to reflect the actual costs for providing services to the public. Parks and Recreation is requesting new fees for the Emi Chikuma Spray Park Shelter at Benedict Park that should be completed in the summer of 2014. Police Records is requesting an increase in the cost of report retrieval and copying in the amount of \$3.00. The City Clerk is requesting an increase in the cost of processing a Liquor License Change of Location to be consistent with the fees set by the State of Colorado. The City Clerk is requesting deletion of certain map sizes and copying media that are no longer available.

Motion by Councilmember Baca to approve Resolution 2013-139 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

B. A Resolution Amending Certain Accounts in the General, Impact Fees, Capital Improvement, Water, Wastewater, Storm Drainage, Benefits and Cultural Arts Funds, and Appropriating Money for Expenditure.

Mayor McLean read the title of the Resolution into the record.

Budget and Policy Director Bernadette Kimmey explained that various changes have taken place during the last half of 2013 that require budget amendments and most of these items are for housekeeping purposes and result in no net change to the bottom line. There is money available in the various funds to cover the proposed budget amendments. An increase is being requested in the General Fund of \$585,329 to cover the Turkey Trot race, both the revenue that came in from this race and the associated expenditures. Special Events has received revenues this year for various events that need to be budgeted. There have been increases in legal expenses, Fleet Maintenance wages, and Facilities Maintenance repairs. Also an increase in the General Fund to transfer to the City's new benefits fund that will cover the new self insurance for the employees' health care plan in the amount of \$425,000 and an increase of \$125,000 to be transferred to the Parks and Recreation Capital Fund for the Hishinuma Farm Interior Remodel project. In the Impact Fees Fund a request is being made for an increase of \$62,820 for the Brighton Crossing Park Impact Fees to be budgeted; these impact fees are reimbursed to the developer for the construction of parks in the development. A decrease of \$60,000 is being requested in the Capital Improvement Fund, \$150,000 was budgeted for the 2013 CDBG grant revenue and the City received \$90,000 for the ADA sidewalk project, the remainder of the grant revenue was for other entities to use. An increase is requested in the Water Utility Fund in the amount of \$45,000 for repairs at the Water Treatment Plant. An increase is requested in the Storm Drainage Fund in the amount of \$121,714 from the South Outfall Reserves for two (2) projects that took place in that area. In the benefits Self Insurance Fund for employee health care benefits money must be budgeted in that fund for the transfer in from the General Fund and this \$425,000 will be placed in reserves to start this new program. An increase is being requested in the Cultural Arts Program in the amount of \$15,000 as a recipient of the Lodging Tax grant award for their webpage development. Director Kimmey answered questions from Council regarding:

- The increase in legal expenses.

Motion by Councilmember Martinez to approve Resolution 2013-140 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado, Confirming the City of Brighton's Participation in the LINK Program in Calendar Year 2014; Approving the Intergovernmental Agreement for the Provision and Funding of Juvenile Assessment Services by the LINK; Authorizing the Mayor to Execute said IGA on Behalf of the City; and the Mayor with Ratification by City Council will Appoint the City of Brighton's Representative to the LINK Board for Calendar Year 2014.

Mayor McLean read the title of the Resolution into the record.

Councilmember Martinez reported that the LINK program has done a wonderful job with kids in the community that need assistance.

Chief of Police Clint Blackhurst explained that the LINK is a juvenile assessment center. The program brings a juvenile in and does a comprehensive evaluation of their past, family situation, trouble with the law and trouble in school and tries to find help for the individual based on their needs. This is the only assessment center to take youth to and it has made a difference in many young people's lives.

Motion by Councilmember Martinez to approve Resolution 2013-141 the title of which as read by Mayor McLean, **second by Councilmember Rose.**

Chief of Police Blackhurst answered questions from Council regarding:

- This program continuing to run well and help the juveniles in the community when needed.

Voting aye: All present.

D. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing Information Technology Support Shared Service.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced IT Director Margaret Brocklander.

IT Director Margaret Brocklander explained that this Resolution will amend Memorandums of Understanding (MOU's) to provide technology support to the Brighton Housing Authority, the Chamber of Commerce and the Brighton Fire Rescue District. In 2008 the City developed a shared technical support services program to provide technical support to external agencies. The benefit of shared technical support allows the sharing of costs, shared data across the network and to share the phone system so this is a cost effective program for the City and beneficial to the other agencies as well. The original MOU's were approved and went into effect on October 1, 2008. The MOU's have been amended to eliminate designating the specific costs, specific licenses, fees and equipment and to focus on the support that is delivered. The licensing costs, number of users and equipment is changing rapidly and amending the MOU's will simplify the process by removing those specifics. A summary of costs and fees will be supplied to each entity each year, explaining the costs and if the participating entity does not choose to cancel the MOU, it will renew automatically. Director Brocklander answered questions from Council regarding:

- Use of the training rooms in City facilities being included in the MOU's.

Motion by Councilmember Bell to approve Resolution 2013-142 the title of which as read by Mayor McLean, **second by Councilmember Wallin.**

Voting aye: All present.

E. A Resolution of the City Council of the City of Brighton, Colorado, Acknowledging the Certified Abstract of Votes Cast for the December 3, 2013 Special Run-off Municipal Election for Ward 4.

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Martinez to approve Resolution 2013-143 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

F. Resolution Extending Temporary Deferral of Development Impact Fees for New Residential Construction.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant City Manager of Development Marv Falconburg.

Assistant City Manager of Development Marv Falconburg reported in 2009 City Council took action to take temporary reductions in development fees for residential single and multi-family projects and that program has proven beneficial and has been utilized. At this time there have been 110 new permits which are similar to last year, but there has been an increase in users of the program by small, local builders, approximately 45%, an increase over previous years. Staff has also heard from prospective multi-family builders that may be interested in the program. The program was amended last year to not include any fee reductions or waivers, just a deferral of paying the fees so there is no expense to the City. A building permit is issued and the fees that must be collected at that time are collected; the remainder of the fees will not be collected until the issuance of the Certificate of Occupancy which is a benefit to most builders. Staff recommends approval of this Resolution. Assistant City Manager Falconburg answered questions from Council regarding:

- Builders being informed of this program when they come in for permits if they are unaware.
- The program working for any type of residential building.
- The builder calling for the Certificate of Occupancy and paying the fees at that time.
- Loss of money to the City since this program began.

Motion by Councilmember Rose to approve Resolution 2013-144 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

G. Highway 85 Monument Sign Project.

Mayor McLean read the title of Items 8G(1) and 8G(2) into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that the first Resolution is to appropriate an additional \$15,000 for the construction of the Highway 85 Monument Sign and is the design that City Council approved previously. There is \$150,000 budgeted for this project in the 2013 budget for the design and construction of the sign. Approximately \$25,000 was spent on the design and the total bid price that will be awarded is \$134,000 so there needs to be an additional \$15,000 budgeted to finish

the construction of the project. The City typically buys the central station irrigation control system in house because there are specific needs, so that purchase is the reason for the additional funds. There is savings from other projects in the Capital Improvement budget to cover the additional request.

The second Resolution is requesting the award of the contract to Colorado Designscales in the amount of \$134,855. When the design was done the project was broken up into phases so staff could pick and choose the phase(s) depending on the costs that were given. Staff did not choose the landscaping phase on the north end of the sign but everything from the community service sign on the south end of the property to the Brighton High School sign will be landscaped. Staff has been working with the School District to replace their sign also. Director Wardle answered questions from Council regarding:

- Future plans to place a sign at the true entrance to Brighton on Highway 85.
- Concern regarding the differences in the bid pricing and comfort with the choice made.
- A timeframe for the north side of the landscaping to be completed.
- A change in the look of the corner at Highway 85 and Bromley Lane when the roadwork at that intersection is completed.
- A timeframe for the completion of the new School District sign.

1. A Resolution Providing Funds for a 2013 Supplemental Budget Appropriation in the Amount of Fifteen Thousand and No/100 Dollars (\$15,000.00) for the Highway 85 Monument Sign Project.

Motion by Mayor Pro Tem Scott to approve Resolution 2013-145 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: Mayor McLean, Councilmembers Baca, Bell, Edwards, Martinez, Maslanik, Rose and Wallin.

Voting no: Mayor Pro Tem Scott.

Motion passes.

2. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of Colorado Designscales, Inc., and Awarding the Contract for the Monument Sign Construction and Landscaping for US Highway 85, Bid #13-067, in an Amount not to exceed One Hundred Thirty Four Thousand Eight Hundred Fifty Five Dollars (\$134,855.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.

Motion by Councilmember Maslanik to approve Resolution 2013-146 the title of which as read by Mayor McLean, **second by Councilmember Rose.**

Voting aye: All present.

H. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Open Space Grant Agreement with Adams County in the Amount not to exceed Ninety-Five Thousand Three Hundred Thirty Dollars (\$95,330.00), to Provide Funding for the Project Referred to as the “North Elementary-Malcom Park Play Yard”; and Authorizing the City Manager to Execute said Grant Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that this grant is for the Malcom Park North Elementary Play Yard improvements which will include the reconstruction of the existing playground at North Elementary and then a new playground will be added in Malcom Park. The City previously received a Great Outdoors Colorado grant in the amount of \$100,000 and has now received this Adams County Open Space grant in the amount of \$95,330. School District 27J will be adding \$16,016 and the City will contribute \$28,500 for a total project cost of \$280,846.

Motion by Councilmember Edwards to approve Resolution 2013-147 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

I. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Open Space Grant Agreement with Adams County in the Amount of Two Hundred Three Thousand Dollars (\$203,000.00), to Provide Funding for the Acquisition of Certain Real Property Referred to as the “Magers Reservoir Acquisition”; and Authorizing the City Manager to Execute said Grant Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that the second grant agreement is for the purchase of an open space parcel called Magers Reservoir which is located at approximately 148th Avenue and Buckley Road. The total cost is estimated at \$290,000. The Adams County Open Space grant is in the amount of \$203,000 so the City will contribute the rest of the finding needed to acquire this parcel and the City is currently in negotiations for the acquisition of the parcel. Director Wardle answered questions from Council regarding:

- This property someday helping with the future Eagle World property.

Motion by Mayor Pro Tem Scott to approve Resolution 2013-148 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

J. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Open Space Mini-Grant Agreement with Adams County in the Amount not to exceed Five Thousand Dollars (\$5,000.00), to Provide Funding for the Project Referred to as the “Memorial Parkway – High School Seniors Beautification Project”; and Authorizing the City Manager to Execute said Grant Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that the City can apply for two (2) regular grants and one (1) mini grant each year. The third grant agreement is the mini grant which will help the City provide tools and plant materials to improve the landscaping along the Memorial Parkway and specifically try to landscape around the memorial rocks and add additional trees and shrubs. This will be the third year that the City has cooperated with School District 27J and Brighton High School for their “Senior Ditch Day” where the senior class gives back to the community and helps with planting projects. These funds will help purchase additional tools to accommodate the large number of students in this class. The City will spend an additional \$2,200 for a total project cost of \$7,200.

Motion by Councilmember Bell to approve Resolution 2013-149 the title of which as read by Mayor McLean, **second by Councilmember Rose.**

Voting aye: All present.

Mayor McLean requested a break at 8:38 p.m.

Mayor McLean resumed the meeting at 8:50 p.m.

9. UTILITIES BUSINESS ITEMS

Ordinances

A. An Ordinance of the City Council of the City of Brighton, Colorado, Amending Title 13 of the Brighton Municipal Code Pertaining to Water, Wastewater and Storm Drainage Fees and Charges Assessed by the City of Brighton; Setting Forth Effective Dates for said Rates, Fees and Charges; and, Other Details Related Thereto. (Final Reading)

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel introduced Utilities Director Jim Landeck.

Utilities Director Jim Landeck explained that this is the final reading of the Ordinance and there have not been any changes since first reading. The monthly fixed rate for water will increase by \$0.62 from \$12.36 to \$12.98, the wastewater fee fixed charge will increase by \$1.00 from \$8.15 to \$9.15, and the storm drainage fee fixed rate will increase from \$1.84 to \$2.12 for a total combined fixed rate increase of \$1.90 per month fixed rate for a total increase of \$24.25. The user fees for water will increase 5% from \$4.25 to \$4.46; the user fee for wastewater will remain the same. These fees and adjustments are necessary to balance the 2014 budget. The Utility Business Plan that Council adopted calls for a rate study to be completed in the first half of 2014 so staff will come back with a detailed study evaluating the City's rate and fee charges for 2014 and beyond. The impact of these rates and fees in a customer category billing comparison shows that the senior citizen residents at a rate of 3,000 gallons per month would see a \$2.13 adjustment in their total monthly bill. An average family using 12,000 gallons per month would see an increase of \$4.45 per month. In a commercial or multi-family building (20 units) there will be an increase of \$33.88, or approximately \$1.70 per residential unit. Director Landeck answered questions from Council regarding:

- The City using new and more cost effective methods to rehabilitate old infrastructure.

Several members of City Council explained that nobody likes to increase water rates but it is necessary due to the age and condition of much of the City's infrastructure.

Motion by Councilmember Martinez to approve Ordinance 2167 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

Resolutions

B. Resolution Changing and Ratifying Certain Fees and Charges Assessed by the City of Brighton.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel reported that earlier this evening Budget and Policy Director Bernadette Kimmey presented the Resolution ratifying certain fees and charges in the Fee Schedule. Based upon the action taken with the previous Ordinance which increased the utility rates, these rates must be approved in the Utilities Fee Schedule portion of the Fee Resolution.

Motion by Councilmember Wallin to approve Resolution 2013-150 the title of which as read by Mayor McLean, **second by Councilmember Maslanik.**

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado Finding Good Cause to Waive the Formal Bid Process for the Ken Mitchell Lakes Project; Authorizing the City Manager to Approve Purchases for the Project up to One Hundred Thousand Dollars (\$100,000) Per Vendor for Preferred Construction Services, Machinery Rental, and Purchases of Materials for the Term of the Project; Limiting the Total Approval Mount to One Million One Hundred Sixty-Four Thousand Dollars (\$1,164,000) During the Term of the Project; Requiring the City Manager to Provide Periodic Status Reports to the City Council; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Utilities Director Jim Landeck.

Utilities Director Jim Landeck explained that this Resolution requests consideration of a waiver of formal bidding practices that are usually implemented on a project like this. Staff went out to bid on two (2) separate occasions and determined that due to the nature of this project contractors were unable to bid the work. Accordingly staff is asking for a waiver of the formal bid process, and a determination that good cause exists for the benefit of the citizens. This project has nineteen (19) different projects that would be constructed in conjunction with the mining operations, the reclamation operations, the installation of the South Platte interceptor by Metro, the dewatering of Cell 1 and movement of that water to Cell 3, the augmentation operations necessary to maintain the City's water returns to the river and other activities onsite that require a different construction format where different contractors and operators using different types of equipment will be needed when the window of opportunity is available to complete the projects in conjunction with all of the work and in satisfaction of the Agreement the City has with Metro to provide certain services in the Ken Mitchell Lakes complex. The work to be done is reimbursable through the [Pumping] IGA with Metro in the amount of \$1,164,000. As the window of opportunity would present itself staff would quickly obtain competitive quotes working with Procurement to determine the lowest, most responsible provider for those services and seek the approval of the City Manager to an aggregate amount of \$100,000 per vendor and complete the work between now and March, 2015 in compliance with the IGA requirements. The benefit of this is that a majority of this work remains in place, the materials and equipment used in this process would remain the property of the City and be utilized in the operation of the Ken Mitchell Lakes augmentation complex in the future. Staff will submit invoices for reimbursement from Metro on a monthly basis and Council will be informed of all expenditures during the course of this project and accordingly those invoices will be shared monthly. Director Landeck answered questions from Council regarding:

- The pumping in the area still taking place 24/7.
- Any complaints from citizens in the area regarding the pumping activities.

Motion by Councilmember Edwards to approve Resolution 2013-151 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

D. A Resolution of the City Council of the City of Brighton, Colorado, Approving a Professional Services Agreement with Leonard Rice Engineers, Inc. for the Provision of Water Related Engineering Services to the City; Setting Forth the Fees for said Services; Authorizing the Mayor to Execute said Agreement on Behalf of the City; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Utilities Director Jim Landeck.

Utilities Director Jim Landeck explained that this item renews an existing professional services contract with Leonard Rice Water Resource Engineers for their expert testimony and work in defending the City's water cases. The effort that they have put forth has continued since 1982 and the City has renewed their contract on a biannual basis since that time. This contract is only renewed through 2014 because it is the City's expectation that the last major cases regarding water will be finalized this year and accordingly it is staff's expectation to come back to Council with the results of an RFP for a water engineer for the future after these cases are resolved. Staff believes it would be a mistake to change the engineer at this time as they have prepared a lot of detailed engineering information on the City's water rights, the operation of the water system and that is very helpful in defending the case against those in opposition that would like to minimize the City's yield and ability to convert this water to municipal use. Director Landeck answered questions from Council regarding:

- The contract being renewed through 2014.
- The possibility of another water case coming up and the City needing to renew the contract again.

City Attorney Christopher Ernst reported that the City is hoping for a favorable and complete outcome in the water case in 2014. This contract will get the City through this process with these expert engineers and if needed the City can always extend the contract.

Motion by Councilmember Maslanik to approve Resolution 2013-152 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor – Mayor McLean attended an E-470 board meeting last Thursday. The Festival of Lights was a fantastic event and the Youth Commission handed out candy canes. Mayor McLean served on a panel for Leadership for Small Businesses with the Mayors from Aurora, Denver, Commerce City, Littleton, Westminster and Lone Tree.

B. By Department Heads – Chief of Police Clint Blackhurst reported that Santa will be handing out toys at the Police Department on Thursday from 2:00 to 7:00.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reported that the Libretto ribbon cutting is Thursday at 9:30. City Manager Esquibel will be out of the office on Friday and from December 24th through January 1st and Chief Blackhurst will be in charge.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Baca enjoyed the parade and thanked staff and the Youth Commission for all of their hard work. Councilmember Baca thanked the outgoing Councilmembers for their leadership and wished everyone a Merry Christmas and Happy New Year.

Councilmember Wallin spent time with Corporal Delein on a ride along and was impressed with the way the Police Department deals with its citizens and thanked Chief Blackhurst for the culture he has created. The Youth Commission is sponsoring a New Years Eve Bash from 8:00 p.m. to 1:00 a.m. for youth age 13 to 20 at the Armory and the cost is \$8.00.

Councilmember Martinez thanked the citizens for allowing her to represent them and thanked staff for a wonderful year. Councilmember Martinez thanked the outgoing Councilmembers for their service and strengths. The Chamber Egg Nog Social is Thursday at Historic City Hall from 4:00 to 6:00.

Mayor Pro Tem Scott attended the play at the Armory, it was a fantastic play and the Armory is doing a great job. It has been a pleasure to serve the City and serve on the many Boards and Commissions.

Councilmember Rose reported that the ACED Holiday Open House is Thursday from 3:00 to 5:00. Councilmember Rose thanked everyone for the last eight (8) years; it has been a pleasure to serve the constituents and she looks forward to new adventures in the coming years.

Councilmember Bell thanked City Manager Esquibel for bringing in the speaker on inclusivity.

Councilmember Maslanik reported that he has enjoyed this position and hopes he has served the citizens well; it was great working with the Council and City staff.

Councilmember Edwards appreciates working with staff and asked all families in Brighton to show appreciation and love for each other.

Mayor McLean reported that it has been a good year and although three (3) members of Council will be leaving it will be great to serve with the new members.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Mayor Pro Tem Scott, second by Councilmember Martinez to adjourn at 9:43 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**CITY OF BRIGHTON, COLORADO
REGULAR SESSION
JANUARY 7, 2014 – INCOMING COUNCIL
ARMORY
IMMEDIATELY FOLLOWING THE OUTGOING COUNCIL MEETING**

***THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.**

MAYOR

• **RICHARD N. MCLEAN**

• **LYNN BACA**

• **REX BELL**

COUNCIL MEMBERS

• **J.W. EDWARDS**

• **MARK HUMBERT**

• **JOAN KNISS**

• **KEN KREUTZER**

• **CYNTHIA A. MARTINEZ**

• **KIRBY WALLIN**

1. CALL TO ORDER

2. SWEARING IN OF MAYOR AND NEW COUNCIL MEMBERS

A. Swearing in Ceremony by Judge C. Vincent Phelps.

3. ROLL CALL

4. APPROVAL OF REGULAR AGENDA

5. CEREMONIES

A. Comments by Mayor and New City Council Members.

6. GENERAL BUSINESS

A. Reorganization of City Council (Selection of New Mayor Pro Tem).

7. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

8. REPORTS

A. By the Mayor – City Council Board and Commission List

B. By Department Heads

C. By the City Attorney

D. By the City Manager

9. ADJOURNMENT